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

IN RE PERSONAL RESTRAINT PETITION OF:	No.: 48282-7-II
STEVEN E. PINK,	RESPONSE TO PERSONAL RESTRAINT PETITION

1. **IDENTITY OF RESPONDING PARTY.**

The State of Washington responds by and through Katherine L. Svoboda, Grays Harbor County Prosecuting Attorney’s Office and seeks relief as designated in Part 2 of this response.

2. **RELIEF REQUESTED.**

The State of Washington requests dismissal of the Personal Restraint Petition filed herein.

3. **FACTUAL BACKGROUND.**

The Petitioner filed a timely personal restraint petition challenging his 1999 convictions for conspiracy to commit first degree murder and first degree assault. The Washington Supreme Court found that the trial court conducted a portion of jury voir dire in chambers in violation of his right to a public trial, and that appellate counsel was ineffective in failing to raise that issue on direct appeal. Therefore, the matter was remanded for a new trial. *In re Pink*, 322 P.3d 790 (Wash. 2014)

1 On September 2, 2014, the Petitioner pled guilty to a Second Amended Information¹ alleging
2 one count of Assault in the First Degree.² On October 20, 2014 the trial court denied challenges made
3 by the Petitioner to his offender score.³ These challenges did not include the challenge at issue in this
4 petition. On October 27, 2014, the court, using an offender score of 8, sentenced the Petitioner to a
5 standard range sentence of 277 months.⁴

6
7 **4. GROUNDS FOR RELIEF AND ARGUMENT.**

8 The Petitioner's sole issue in this petition is whether his prior convictions in cause nos. 81-1-
9 51-0 and 81-1-192-3 should be counted as one point. However, this is incorrect.

10 In cause no. 81-1-51-0, the Petitioner was charged with one count of Theft in the Second
11 Degree on April 8, 1981.⁵ On July 24, 1981, the court entered an order deferring the Petitioner's
12 sentence.⁶ On December 11, 1981, the Petitioner's probation was revoked and sentence was imposed,
13 this sentence was to run concurrently with the sentence in 81-1-51-0.⁷

14
15 In cause no. 81-1-192-3, the Petitioner was charged with one count of Riding in a Motor
16 Vehicle Without Permission on November 2, 1981.⁸ On December 11, 1981, the Petitioner was
17 sentenced in this matter and it was ordered concurrent with the sentence in 81-1-51-0.⁹

18 The Petitioner argues that these convictions should have only counted for one point in his
19 offender score in the current matter. However, in the 81-1-51-0, the Petitioner initially received a
20 deferred sentence on the theft conviction, but his probation was later revoked and the court sentenced
21 him to serve concurrent terms for convictions of theft and riding in a motor vehicle without
22

23
24 ¹ Attachment "A"
25 ² Attachment "B"
26 ³ Attachment "C"
27 ⁴ Attachment "D"
⁵ Attachment "E"
⁶ Attachment "F"
⁷ Attachment "G"
⁸ Attachment "H"
⁹ Attachment "I"

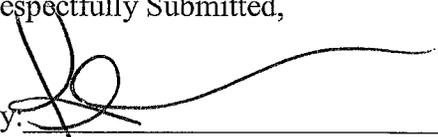
1 permission. Petitioner cites *In re Seitz*, 124 Wn.2d 645, 880 P.2d 34 (1994), in support of his
2 argument that the court should not have counted the theft conviction separately from the riding in a
3 motor vehicle without permission conviction. *Seitz*, however, was superseded by former RCW
4 9.94A.360(6)(b) (1995), now codified as RCW 9.94A.525(5)(b). That statute provides that prior
5 convictions don't count separately if "the concurrent timing of the sentences was not the result of a
6 probation or parole revocation on the former offense." RCW 94A.525(5)(b)(iii).

8 The concurrent nature of the prior sentences only arises due to the Petitioner's probation on
9 the earlier cause number being revoked.

11 **5. CONCLUSION.**

12 There was no error in the Defendant's sentencing and the trial court's ruling should
13 remain undisturbed.

14 DATED this 15 day of April, 2016.

16 Respectfully Submitted,
17 
18 By: _____
19 KATHERINE L. SVOBODA
20 Prosecuting Attorney
21 for Grays Harbor County
22 WSBA #34097

Attachment “A”

JAIL

FILED
GRAYS HARBOR COUNTY
C. BROWN, CLERK

2014 SEP -2 PM 4:02

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SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

STEVEN E. PINK,

Defendant.

No : 99-1-60-1

SECOND AMENDED INFORMATION

I, Gerald R. Fuller, Interim Prosecuting Attorney for Grays Harbor County, in the name and by the authority of the State of Washington, by this Amended Information do accuse the defendant of the crime of ASSAULT IN THE FIRST DEGREE, committed as follows:

That the said defendant, Steven E. Pink, or a person to whom he acted as an accomplice, in Grays Harbor County, Washington, on or about January 26, 1999, with intent to inflict great bodily harm, did assault Thomas Perrine by force or means likely to produce great bodily harm or death and did, with intent to inflict great bodily harm assault Thomas Perrine thereby inflicting great bodily harm upon Thomas Perrine;

CONTRARY TO RCW 9A.36.011(1)(a)(c) and against the peace and dignity of the State of Washington.

DATED this 28 day of August, 2014.

GERALD R. FULLER
Interim Prosecuting Attorney
for Grays Harbor County

By: Gerald R Fuller
WSBA #5143

GRF/ws

SECOND AMENDED
INFORMATION

499

PROSECUTING ATTORNEY
GRAYS HARBOR COUNTY COURTHOUSE
102 WEST BROADWAY, ROOM 102
MONTESANO WA 98563
12201 240 2051 FAX 240 5054

Attachment “B”

2014 SEP -2 PM 4: 02

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SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

STATE OF WASHINGTON,

Plaintiff,

v

Stephen Pink

Defendant.

No: *99-1-60-1*

PLEA AGREEMENT

I. PLEA AGREEMENT

The State of Washington and the above defendant enter into this Plea Agreement which is accepted only by a guilty plea. This agreement may be withdrawn at any time prior to entry of the guilty plea. This plea agreement is only binding upon the defendant and the Grays Harbor County Prosecuting Attorney's Office. The Plea Agreement is as follows:

1.1 **PLEA.** The defendant shall plead guilty to Count(s) _____ of the [] original information *current* amended information: *Ch II Assault 1^o*

The current offense is / [] is not a predicate most serious offense under RCW 9.94A - Persistent Offender Accountability Act.

[] The current offense may require the defendant to register as a firearm offender if the court so orders. The State [] will [] will not be recommending that the defendant be required to register as a firearm offender, RCW 9 41.330.

1.2 [] **SPECIAL FINDING:** The defendant agrees that there should be a special finding as follows: [] Defendant was armed with a firearm; [] Defendant was armed with a deadly weapon; [] The offense was sexually motivated on Count _____.

1.3 [] **AGGRAVATING CIRCUMSTANCES:** Defendant to admit to the following aggravating circumstances: _____

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4 1.4 [] **DISMISS COUNTS/VIOLATIONS OF JUDGMENT AND SENTENCE:** Upon
5 sentencing in the above Count(s), the State moves to dismiss:

6 [] Count(s) _____ in Cause No(s) _____

7 [] Violations of Judgment and Sentence in Cause No(s) _____

8 [X] Agree not to file further charges in police agency case No. from this incident

9 1.5 [X] **OTHER:** no alford

10
11 1.6 [] **REAL FACTS OF HIGHER, MORE SERIOUS, OR ADDITIONAL CRIMES.** In
12 accordance with RCW 9.94A.530 and .537, the parties agree that in sentencing, the court
13 may consider the following as real and material facts: _____

14 (1.7) [X] **AGREEMENT OF CRIMINAL HISTORY:** The defendant agrees that the
15 Prosecutor's Statement of Defendant's Criminal History (as listed below per RCW
16 9.94A.525) is accurate and complete, as known to the parties at the time of the plea. The
17 parties further agree that the defendant was represented by counsel or waived counsel at
18 the time of each prior conviction.

17 1.8 [X] **PROSECUTOR'S STATEMENT OF DEFENDANT'S CRIMINAL HISTORY:**

18 [] No known felony convictions

Crime	Date of Crime	Date of Sentence	Sentencing Court (County & State)	A or J Adult or Juvenile	Type of Crime	Points	DV* Yes
Theft 2			GH 81-1-51-0		order deferring sentence 7/24/81 revoked 12/11/81	1	
TMVWOP		12/11/81	GH 81-1-192-3			1	
Robbery 2		10/27/83	MARION CO OR 143816			2	
Unl Posses Firearm		2/29/88	GH 87-1-287-2			1	
VVCSA - Posses MJ > Hoq		3/5/90	GH 89-1-244-5			1	
VVCSA - Delivery of Meth		1/31/95	GH 94-1-394-1			1	

26 Defendant was on community custody
*DV: Domestic Violence was pled and proved at time of offense

27 PLEA AGREEMENT -2-

point calculation is
Disputed

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4 [] Prior Convictions counted as one offense in determining the offender score (RCW
5 9.94A 525(5)). _____

*Current convictions

6 1.9 [X] **SENTENCING DATA:** The defendant agrees that the following is accurate.

7

Count No	Offender Score	Seriousness Level	Standard Range (not including enhancements)	Plus Enhancements	Total Standard Range (including enhancements)	Maximum Term
II	8	III	209-277	-none-	209-277	

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12 110 **SENTENCE RECOMMENDATION.** The State will recommend the following

13 (a) **COSTS, FINES AND ASSESSMENTS.**

14 [X] Court costs. \$110.00 / \$200.00.

15 [X] Victim/Witness Assessment: \$500.00 / \$250.00.

16 [X] DNA collection fee. \$100.00.

17 [X] Attorney's Fees: \$500.00.

[] Fine: \$_____.

[] Contribution to Grays Harbor County Inter-Agency Drug Task Force Drug Fund, or
Drug Fund: \$_____.

[] \$100.00 Washington State Patrol Crime Lab Fee

[] \$1,000.00 / \$2,000.00 / \$3,000.00 mandatory fine, unless found indigent by the court.

19 (b) **CONFINEMENT:**

20 [X] Count I: 277 months Count III _____

21 Count II: _____ Count IV: _____

22 [] _____ days of jail converted to _____ hours of community service on count(s)_____.

23 [] Credit for up to 30 days for successful completion of in-patient treatment.

24 (c) **OTHER CONDITIONS**

25 [X] Community supervision placement / custody.

26 [X] 24 months or as required by law.

27 [] _____ to _____ months, or earned early release, whichever is longer, or as required by law

PLEA AGREEMENT -3-

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- Gross Misdemeanor
 Misdemeanor
_____ months probation.
 First time offender waiver
 Crime related prohibitions:
 Any and all criminal acts.
 No violations of RCW Title 69.
 SSOSA / DOSA if eligible
 Exceptional Sentence.
 No contact with Tom Perrine, Sharon Davidson for a period of life years pursuant to RCW 9.94A.505. *Michelle Lark, Gary Davis*
 No possession, ownership or control of firearms pursuant to RCW 9 41 040.
 Complete *alcohol / drug / domestic violence* evaluation by a state certified agency within 45 days of release and successfully complete any recommended treatment.
 Not possess or consume controlled substances nor possess drug paraphernalia without a valid prescription with random urinalysis testing to ensure compliance.
 Not drive a motor vehicle without a valid license and insurance
 Other: _____

15 1.11 RESTITUTION. Charged crimes Uncharged crimes Agreed Disputed

16 To: L+L x 137617 Amount: \$ 110,579⁰¹

17 To: Pemco Amount: \$ 2424⁶⁸
Tom Perrine \$200-

18 1.12 The State's recommendation will increase in severity if additional criminal convictions are found which were not known to the State or disclosed by the defendant prior to the plea of guilty, or if the defendant commits any new crime, fails to appear for sentencing or violates the conditions of release. I understand that in the event additional criminal history is found that my standard sentence range may increase. I understand and agree my failure to disclose prior criminal history or the discovery of new criminal history will not serve as the basis for withdrawal my plea of guilty.

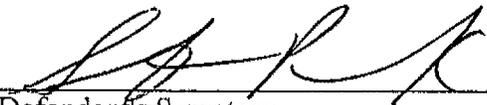
22 1.13 The following Appendices are attached and incorporated by reference as part of this Plea Agreement: _____

23 1.14 I have been advised and understand:

- 24 (1) That I have the right to appeal my conviction; (2) That I have the right to appeal my sentence if the sentence imposed is outside the standard range or under certain other circumstances; (3) That unless a notice of appeal is filed within thirty days after the entry of the judgment or order appealed from, the right to appeal is irrevocably waived; (4) That the Superior Court clerk will, if requested, supply a notice of appeal form and file it upon completion by me; (5) That I have the right, if I cannot afford it, to have counsel

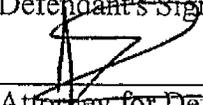
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5 appointed and to have portions of the trial record necessary for review of assigned errors
6 transcribed at public expense for an appeal; (6) that, pursuant to RCW 10.73.090, I have
7 the right to collaterally attack my conviction within one year after the judgment becomes
8 final; (7) That the time limits for collateral attack do not apply if there is newly
9 discovered evidence if discovered with reasonable diligence, or if the statute is
10 unconstitutional, or if the conviction was barred by the double jeopardy clauses, or if the
11 evidence at trial was insufficient, or if there was a significant change in the law material
12 to the conviction which applies retroactively, or if the sentence was outside the court's
13 jurisdiction, pursuant to RCW 10.73 100 CrR 7.2(b)

14 Date: _____



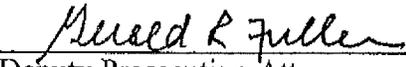
Defendant's Signature

15 Date: 9-2-14



Attorney for Defendant
WSBA # 32271

16 Date: _____



Deputy Prosecuting Attorney
WSBA # 5143

17 II. COURT APPROVAL (RCW 9.94A.090)

18 The court, having reviewed the above Plea Agreement and having heard the statements of counsel
19 regarding the reasons for the above Plea Agreement, finds:

- 20 (a) The Plea Agreement is consistent with the interests of justice and the prosecutorial
21 standards.
- 22 (b) The Plea Agreement is not consistent with the interests of justice and prosecutorial
23 standards. Neither party is bound by the Plea Agreement, and the defendant may
24 withdraw the plea of guilty.

25 Date: 9/2/14



JUDGE

26 III. INTERPRETER CERTIFICATION

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

Dated _____

Interpreter

PLEA AGREEMENT -5-

CA

FILED
GRAYS HARBOR COUNTY
C. BROWN, CLERK

2014 SEP -2 PM 4:03

**Superior Court of Washington
For Grays Harbor**

State of Washington _____
Plaintiff

vs.

Steven Pink _____
Defendant

No 99-1-60-1

**Statement of Defendant on Plea of
Guilty to Non-Sex Offense
(Felony)
(STTDFG)**

- 1 My true name is: Steven Pink
- 2 My age is: 51
- 3 The last level of education I completed was GED

4. I Have Been Informed and Fully Understand That:

- (a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
- (b) I am charged with: ASSAULT I

The elements are: Grays Harbor 1-24-99 with intent to inflict great bodily harm did assault Thomas Perrine by force or means likely to produce great bodily harm or death and

5. I Understand I Have the Following Important Rights, and I Give Them Up by Pleading Guilty:

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime thereby inflicted was allegedly committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself; great bodily harm.
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;

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- (e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

6. **In Considering the Consequences of My Guilty Plea, I Understand That:**

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

COUNT NO	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	COMMUNITY CUSTODY	MAXIMUM TERM AND FINE
1	\$	209-277		24 mos	10 yr + \$50,000
2	Disputed				
3					

*The sentencing enhancement codes are (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts (F) Firearm, (D) Other deadly weapon, (V) VUCSA in protected zone, (JP) Juvenile present, (VH) Veh Hom, see RCW 46 61 520, (P16) Passenger(s) under age 16.

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500 00 as a victim's compensation fund assessment and any mandatory fines or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

- (f) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the total period of confinement is more than 12 months, and if this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community custody. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community custody. The actual period of community custody may be longer than my earned early release period. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, under certain circumstances the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months, but only if the crime I have been convicted of falls into one of the offense types listed in the following chart. For the offense of failure to register as a sex offender, regardless of the length of confinement, the judge will sentence me for up to 12 months of community custody. If the total period of confinement ordered is more than 12 months, and if the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the term established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.729 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody term will be based on the offense type that dictates the longest term of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY TERM
Serious Violent Offenses	36 months
Violent Offenses	18 months
Crimes Against Persons as defined by RCW 9.94A.411(2)	12 months
Offenses under Chapter 69.50 or 69.52 RCW (not sentenced under RCW 9.94A.660)	12 months
Offenses involving the unlawful possession of a firearm where the offender is a criminal street gang member or associate	12 months

Certain sentencing alternatives may also include community custody

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

If I violate the conditions of my community custody, the Department of Corrections may

sanction me up to 60 days confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

(g) The prosecuting attorney will make the following recommendation to the judge: _____

The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences

(i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.

(ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.

(iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.

(iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a hearing, either the State or I can appeal the sentence

(i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(j) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so is restored by the court in which I am convicted or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license.

(k) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.

(l) Government assistance may be suspended during any period of confinement.

- (m) I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a \$100.00 DNA collection fee.

Notification Relating to Specific Crimes: If any of the following paragraphs DO NOT APPLY, counsel and the defendant shall strike them out. The defendant and the judge shall initial all paragraphs that DO APPLY.

- SP* (n) This offense is a most serious offense or "strike" as defined by RCW 9 94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole
- _____ (o) The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement and up to one year of community custody plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.
- _____ (p) The judge may sentence me under the Parenting Sentencing Alternative if I qualify under RCW 9.94A.655. If I am eligible, the judge may order DOC to complete either a risk assessment report or a chemical dependency screening report, or both. If the judge decides to impose the Parenting Sentencing Alternative, the sentence will consist of 12 months of community custody and I will be required to comply with the conditions imposed by the court and by DOC. At any time during community custody, the court may schedule a hearing to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. The court may modify the conditions of community custody or impose sanctions. If the court finds I violated the conditions or requirements of the sentence or I failed to make satisfactory progress in treatment, the court may order me to serve a term of total confinement within the standard range for my offense.
- _____ (q) If this crime involves kidnapping involving a minor, including unlawful imprisonment involving a minor who is not my child, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment
- _____ (r) If this is a crime of domestic violence, I may be ordered to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.
- _____ (s) If this crime involves prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.
- _____ (t) The judge may sentence me under the drug offender sentencing alternative (DOSA) if I qualify under RCW 9 94A.660. If I qualify and the judge is considering a residential chemical dependency treatment-based alternative, the judge may order that I be examined by DOC before deciding to impose a DOSA sentence. If the judge decides to impose a DOSA sentence, it could be either a prison-based alternative or a residential chemical dependency treatment-based alternative.

If the judge imposes the **prison-based alternative**, the sentence will consist of a period of total confinement in a state facility for one-half of the midpoint of the standard range, or 12 months, whichever is greater. During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose a term of community custody of one-half of the midpoint of the standard range.

If the judge imposes the **residential chemical dependency treatment-based alternative**, the sentence will consist of a term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, and I will have to enter and remain in a certified residential chemical dependency treatment program for a period of **three to six months**, as set by the court.

As part of this sentencing alternative, the court is required to schedule a progress hearing during the period of residential chemical dependency treatment and a treatment termination hearing scheduled three months before the expiration of the term of community custody. At either hearing, based upon reports by my treatment provider and the department of corrections on my compliance with treatment and monitoring requirements and recommendations regarding termination from treatment, the judge may modify the conditions of my community custody or order me to serve a term of total confinement equal to one-half of the midpoint of the standard sentence range, followed by a term of community custody under RCW 9A 701.

During the term of community custody for either sentencing alternative, the judge could prohibit me from using alcohol or controlled substances, require me to submit to urinalysis or other testing to monitor that status, require me to devote time to a specific employment or training, stay out of certain areas, pay \$30.00 per month to offset the cost of monitoring and require other conditions, such as affirmative conditions, and the conditions described in paragraph 6(e). The judge, on his or her own initiative, may order me to appear in court at any time during the period of community custody to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. If the court finds that I have violated the conditions of the sentence or that I have failed to make satisfactory progress in treatment, the court may modify the terms of my community custody or order me to serve a term of total confinement within the standard range.

SP (u)

If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

(v) If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine, including its salts, isomers, and salts of isomers, or amphetamine, including its salts, isomers, and salts of isomers, and if a fine is imposed, \$3,000 of the fine may not be suspended. RCW 69.50 401(2)(b).

(w) If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits may be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.

(x) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the judge finds I used a motor vehicle in the commission of this felony.

- _____ (y) If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor, or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61 5055(14)
- _____ (z) If I am pleading guilty to felony driving under the influence of intoxicating liquor, or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor, or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked or denied. Following the period of suspension, revocation or denial, I must comply with the Department of Licensing ignition interlock device requirements. In addition to any other costs of the ignition interlock device, I will be required to pay an additional fee of \$20 per month.
- _____ (aa) For the crimes of vehicular homicide committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61 520 or for vehicular assault committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)), or felony physical control under the influence (RCW 46.61.504(6)), the court shall add 12 months to the standard sentence range for each child passenger under the age of 16 who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.
- _____ (bb) For the crimes of felony driving under the influence of intoxicating liquor, or any drug, for vehicular homicide while under the influence of intoxicating liquor, or any drug, or vehicular assault while under the influence of intoxicating liquor, or any drug, the court may order me to reimburse reasonable emergency response costs up to \$2,500 per incident.
- _____ (cc) The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. This law does not apply to crimes committed on or after July 24, 2005, by a juvenile who was tried as an adult after decline of juvenile court jurisdiction. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[n].
- _____ (dd) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.
- _____ (ee) The offense(s) I am pleading guilty to include(s) a Violation of the Uniform Controlled Substances Act in a protected zone enhancement or manufacture of methamphetamine when a juvenile was present in or upon the premises of manufacture enhancement. I understand these enhancements are mandatory and that they must run consecutively to all other sentencing provisions.
- _____ (ff) The offense(s) I am pleading guilty to include(s) a deadly weapon, firearm, or sexual

motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.

(gg) If I am pleading guilty to (1) unlawful possession of a firearm(s) in the first or second degree and (2) felony theft of a firearm or possession of a stolen firearm, I am required to serve the sentences for these crimes consecutively to one another. If I am pleading guilty to unlawful possession of more than one firearm, I must serve each of the sentences for unlawful possession consecutively to each other.

(hh) I may be required to register as a felony firearm offender under RCW 9A.41. The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.

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

(jj) The judge may authorize work ethic camp. To qualify for work ethic authorization my term of total confinement must be more than twelve months and less than thirty-six months, I cannot currently be either pending prosecution or serving a sentence for violation of the uniform controlled substance act and I cannot have a current or prior conviction for a sex or violent offense.

7. I plead guilty to:

count Assault in the first Degree
count _____
count _____

in the 2nd Amended Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

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

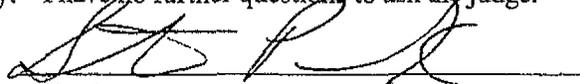
10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

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

This is my statement: In Lewis Harbor on 1-24-99 I was an accomplice to Larry Davis in Intending to inflict great bodily harm and did assault Thomas Perrine by force or means likely to produce great bodily harm and did assault Thomas Perrine thereby inflicting great bodily harm

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

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


Defendant

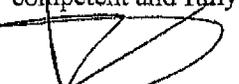
I have read and discussed this statement with the defendant. I believe that the defendant is competent and fully understands the statement.

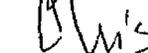

Prosecuting Attorney

5143

Print Name

WSBA No.


Defendant's Lawyer


Print Name

32279
WSBA No.

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

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

Interpreter's Declaration I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands. I have interpreted this document for the defendant from English 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 (city) _____, (state) _____, on (date) _____.

Interpreter

Print Name

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

Dated: 9/2/14


Judge

Attachment “C”

2014 OCT 20 PM 1:43

SUPERIOR COURT OF WASHINGTON
FOR GRAYS HARBOR COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

STEVEN E. PINK,

Defendant.

No. 99-1-00060-1

ORDER DENYING CHALLENGE TO
FINDING OF COMMUNITY CUSTODY
AND TO CONSTITUTIONALITY OF
PRIOR CONVICTIONS

This matter came before the court on October 10, 2014, for a sentencing hearing. The defendant asserted that he was not on community custody when he committed the offense for which he has been convicted in this matter. The court heard testimony and argument of counsel, and ruled that the defendant was on community custody at the time of the offense. By reason of this ruling, the defendant's offender score shall include one (1) point as a result of the finding of community custody.

The defendant further asserted that some of his prior convictions are constitutionally invalid. The court requested submission of briefs from counsel. The defendant's brief was filed on October 15, 2014. The prosecuting attorney's brief was filed on October 16, 2014. The court has reviewed the submitted briefs and the case law cited within those briefs.

The defendant challenges the 1983 conviction for Robbery in the Second Degree in Marion County, Oregon. The defendant asserts that the conviction is constitutionally invalid because the conviction documents do not affirmatively establish that he was properly advised of his rights or the consequences of pleading guilty.

The facts and circumstances surrounding the Oregon conviction do not materially differ from the facts and circumstances described in the cases before the Supreme Court in *State v. Ammons*, 105 Wn.2d 175, 719 P.2d 796 (1986). For the reasons provided in the Ammons decision, this court rejects the challenge to the constitutionality of the Oregon conviction.

The defendant further challenges the 1995 conviction in this court for Delivery of Methamphetamine, alleging that the judgment and sentence is invalid on its face because it states an incorrect maximum sentence. The defendant argues that the crime was a Class B felony and that the judgment states that it is a Class C felony.

In 1995, the date of the offense for which the defendant was convicted, the crime of Delivery of Methamphetamine was, in fact, a Class C felony. The legislature amended the statute to classify that offense as a Class B felony in 1996. Accordingly, the defendant's challenge to this conviction is rejected.

Done this 20 day of October, 2014.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a horizontal line.

JUDGE

Attachment “D”

FILED

OCT 27 2014

GRAYS HARBOR COUNTY, WA
CHERYL BROWN, COUNTY CLERK

WARR CLK 3
DOC ✓
DOL _____
F/U _____
ABST ✓
S G ✓
PROS ✓
FN COL _____
OFR (FAX) _____
GHHD _____

SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

State of Washington,
Plaintiff,

vs.
STEVEN E. PINK,
Defendant,

No. 99-1-60-1

Felony Judgment and Sentence --
Prison
(FJS)

PCN:
SID: WA12050834
DOB: 03-28-1963

- Clerk's Action Required, para 2.1, 4.1, 4.3, 4.8
5.2, 5.3, 5.5 and 5.7
- Defendant Used Motor Vehicle
- Juvenile Decline Mandatory Discretionary

I. Hearing

The court conducted a sentencing hearing this date; the defendant, the defendant's lawyer, Christopher Baum, and the interim prosecuting attorney, Gerald R. Fuller, were present.

II. Findings

Current Offenses: The defendant is guilty of the following offenses, based upon guilty plea: September 2, 2014.

Count	Crime	RCW (w/subsection)	Class	Date of Crime
1	ASSAULT IN THE FIRST DEGREE	9A.36.011	A	01-26-1999

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.)

2.2 Criminal History (RCW 9.94A.525):

CRIME	DATE OF CRIME	DATE OF SENTENCE	SENTENCING COURT (County and State)	A or J Adult, Juvenile	TYPE OF CRIME	PTS
Theft in the Second Degree	01-24-1981	07-24-1981 deferred sentence revoked 12-11-1981	Grays Harbor, WA 81-1-51-0	A	F	1
Taking a Motor Vehicle without the Owner's Permission	10-31-1981	12-11-1981	Grays Harbor, WA 81-1-192-3	A	F	1
Robbery in the Second Degree	07-22-1983	10-27-1983	Marion County, OR 143876	A	F	2

512

Unlawful Possession of a Firearm	10-31-1987	02-29-1988	Grays Harbor, WA 87-1-287-2	A	F	1
Violation of the Uniform Controlled Substances Act – Possession of Marijuana > 40 Grams	11-05-1989	03-05-1990	Grays Harbor, WA 89-1-244-5	A	F	1
Violation of the Uniform Controlled Substances Act – Delivery of Methamphetamine	11-16-1994	01-31-1995	Grays Harbor, WA 94-1-384-1	A	F	1
The defendant was on community custody at the time of the offense						1

* 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 listed as number(s) _____, above, or in appendix 2.2, are one offense for purposes of determining the offender score (RCW 9.94A.525)
- The prior convictions listed as number(s) _____, above, or in appendix 2.2, are not counted as points but as enhancements pursuant to RCW 46.61.520.

2.3 Sentencing Data:

Count No.	Offender Score	Serious-ness Level	Standard Range (not including enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term
1	8	XII	209 to 277 months		209 to 277 months	Life/\$50,000

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (RPh) Robbery of a pharmacy, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (CSG) criminal street gang involving minor, (AE) endangerment while attempting to elude, (ALF) assault law enforcement with firearm, RCW 9.94A.533(12), (P16) Passenger(s) under age 16.

- 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: _____

2.5 Legal Financial Obligations/Restitution. The court has considered the total amount owing, the defendant's 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. (RCW 10.01.160). The court makes the following specific findings:

- 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.

(Name of agency) _____ 's costs for its emergency response are reasonable. RCW 38.52.430 (effective August 1, 2012).

III. Judgment

The defendant is **guilty** of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

IV. Sentence and Order

It is ordered:

4.1 Confinement. 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):

277 months on Count 1

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 VUCSA in a protected zone manufacture of methamphetamine with juvenile present.

Actual number of months of total confinement ordered is:

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:

This sentence shall run consecutively with the sentence in the following cause number(s) (see RCW 9.94A.589(3)):

Confinement shall commence immediately unless otherwise set forth here:

(b) Credit for Time Served. The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served.

(c) 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 the balance of the defendant's remaining time of confinement.

4.2 Community Placement. (To determine which offenses are eligible for or required for community custody see RCW 9.94A.701, RCW 10.95.030(3))

(A) The defendant shall be on community custody for:

- Count(s) 1 24 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)

Note: combined term of confinement and community custody for any particular offense cannot exceed the statutory maximum. RCW 9.94A.701.

(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; and (9) 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.

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

- consume no alcohol.
- have no contact with: _____.
- remain within outside of a specified geographical boundary, to wit: _____.
- not serve in any paid or volunteer capacity where he or she has control or supervision of minors under 13 years of age.
- 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: _____

_____.

Other conditions:

- The defendant shall not own, possess or have under his control any firearm pursuant to RCW 9.41.040.

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.

(C) If the defendant committed the above crime(s) while under age 18 and is sentenced to more than 20 years of confinement:

- (i) As long as the defendant's conviction is not for aggravated first degree murder or certain sex crimes, and the defendant has not committed any crimes after he or she turned 18 or committed a major violation in the 12 months before the petition is filed, the defendant may petition the Indeterminate Sentence Review Board (Board) for early release after the defendant has served 20 years.
- (ii) If the defendant is released early because the petition was granted or by other action of the Sentence Review Board, the defendant may be subject to community custody under the supervision of the DOC for a period of time determined by the Board. The defendant will be required to comply with any conditions imposed by the Board.

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

JASS CODE

PCV \$ 500.00 Victim assessment RCW 7.68.035
 CRC \$ 200.00 Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190
 PUB \$ 500.00 Fees for court appointed attorney RCW 9.94A.760
 \$ 100.00 DNA collection fee RCW 43.43.7541
 \$110,579.07 Restitution to: Department of Labor & Industries, P.O. Box 44288, Olympia,
WA 98504-4288 RE: X137617- T. Perrine

 \$ 2,424.68 Restitution to: PEMCO Insurance Company, 1025 Blake Lake Blvd SW,
Bldg. 2, Ste. F, Olympia, WA 98502 RE: CA055268OA-Perrine

 \$ 200.00 Restitution to: Thomas Perrine, P.O. Box 526, Montesano, WA 98563
 (Name and Address--address may be withheld and provided
 confidentially to Clerk of the Court's office.)
 \$ _____ **Total** 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:

<u>Name of other defendant</u>	<u>Cause Number</u>	<u>(Victim's name)</u>	<u>(Amount-\$)</u>
RJN	_____	_____	_____
_____	_____	_____	_____

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. (This provision does not apply to costs of incarceration collected by DOC under RCW 72.09.111 and 72.09.480.)

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.

4.4 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. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from the defendant for a qualifying offense. 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 Thomas Perrine or any member of his family, Sharon Davison, Michelle Lash or Gary Davis including, but not limited to, personal, verbal, telephonic, written or contact through a third party for life of defendant (which does not exceed the maximum statutory sentence).

The defendant is excluded or prohibited from coming within 1000 feet (distance) of:
 Thomas Perrine and Shelly Lash (name of protected person(s))'s home/
residence work place school (other location(s)) _____, or
 other location: _____
for _____ (which does not exceed the maximum statutory sentence).

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

4.6 Other:

• The defendant shall not own, possess or have under his control any firearm pursuant to RCW 9.41.040.

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 Exoneration: The Court hereby exonerates any bail, bond and/or personal recognizance conditions.

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.

5.5a Firearms. You may not own, use or possess any firearm, and under federal law any firearm or ammunition, unless your right to do so is restored by the court in which you are convicted or the superior court in Washington State where you live, 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, 9.41.047.

5.5b **Felony Firearm Offender Registration.** The defendant is required to register as a felony firearm offender. The specific registration requirements are in the "Felony Firearm Offender Registration" attachment.

5.6 Reserved

5.7 **Department of Licensing Notice:** The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. Clerk's Action—The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.285. Findings for DUI, Physical Control, Felony DUI or Physical Control, Vehicular Assault, or Vehicular Homicide (ACR information) (Check all that apply):
 Within two hours after driving or being in physical control of a vehicle, the defendant had an alcohol concentration of breath or blood (BAC) of _____.
 No BAC test result.
 BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.
 Drug Related. The defendant was under the influence of or affected by any drug.
 THC level was _____ within two hours after driving.
 Passenger under age 16. The defendant committed the offense while a passenger under the age of sixteen was in the vehicle.
 Vehicle Info.: Commercial Veh. 16 Passenger Veh. Hazmat Veh.

5.8 Other: _____

Done in Open Court and in the presence of the defendant this date:

October 27, 2014

[Handwritten Signature]

Judge Gordon L. Godfrey / P. Mark McCauley / David L. Edwards

[Handwritten Signature]

GERALD R. FULLER
Interim Prosecuting Attorney
WSBA No. 5143

[Handwritten Signature]

Attorney for Defendant
WSBA No. 32275

[Handwritten Signature]

STEVEN E. PINK
Defendant

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 re-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.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

Defendant's signature: [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 (city) _____, (state) _____, on (date) _____.

Interpreter _____ Print Name _____

VI. Identification of the Defendant

SID No. WA12050834 Date of Birth 03-28-1963
 (If no SID complete a separate Applicant card
 (form FD-258) for State Patrol)

FBI No. 826575WA8 Local ID No. _____
 PCN No. _____ Other _____

Alias name, DOB: _____

Race: Asian/Pacific Islander Black/African-American Caucasian
 Native American Other: _____

Ethnicity: Hispanic Non-Hispanic

Sex: Male Female

Fingerprints: I attest that I saw the defendant who appeared in court affix his or her fingerprints and signature on this document.

Clerk of the Court, Deputy Clerk, Cheryl Brown, by [Signature] dated: 10/27/2019

The defendant's signature: [Signature]

Left four fingers taken simultaneously	Left Thumb	Right Thumb	Right four fingers taken simultaneously



Attachment “E”

FILED
IN THE OFFICE OF
COUNTY CLERK, Grays Harbor Co., Wash.
APR - 8 1981

MARGARET J. BINGHAM, County Clerk
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

STATE OF WASHINGTON)

Plaintiff,)

v.)

STEVEN E. PINK;
DOB: 3/28/63)

Defendant.)

NO. 81-2-00051-0

INFORMATION

I, Curtis M. Janhunen, Prosecuting Attorney for Grays Harbor County, in the name and by the authority of the State of Washington, by this Information do accuse the defendant of the crime of THEFT IN THE SECOND DEGREE, committed as follows:

That he, Steven E. Pink, in Grays Harbor County, Washington, on or about January 5, 1981, did wrongfully obtain property, to-wit: a 50 horsepower Mercury outboard motor, of a value exceeding \$250, belonging to Ron R. Grover, with intent to deprive Ron R. Grover of such property;

CONTRARY to RCW 9A.56.020(1)(a) and RCW 9A.56.040(1)(a), and against the peace and dignity of the State of Washington.

CURTIS M. JANHUNEN
Prosecuting Attorney

By Michael G. Spencer
MICHAEL G. SPENCER
Chief Criminal Deputy

INFORMATION

CURTIS M JANHUNEN
PROSECUTING ATTORNEY
P O BOX 550
COUNTY COURTHOUSE
MONTESANO WASHINGTON 98563
TELEPHONE (206) 249-3951

Attachment “F”

JSM007 DISPLAY DOCKET GRAYS HARBOR SUPERIOR 04-15-16 16:07 3 OF 6
CASE#: 81-1-00051-0 JUDGMENT# 81 9 00655 0
TITLE: STATE VS STEVEN E PINK
NOTE1: *AFFIDAVIT PREJUDICE AGST JOH H KIRKWOOD
NOTE2:

SUB#	DATE	CODE	DESCRIPTION/NAME	STATUS: ACT	DATE: SECONDARY
25	06 12 1981	PRSIO	JHK PRESENTENCE INVESTIGATION ORDER		07-24-1981S
		ACTION	SENTENCING		
26	06 11 1981	MINUTE	MOTION FOR DISMISSAL & TO AMEND		06-19-1981X1
27	06 12 1981	PREHRG	COURT MINUTES		
	06 12 1981	NT	NOTICE		07-24-1981C
		ACTION	SENTENCING DEPT I		
28	06 19 1981	MINUTE	STRICKEN REQ D ROVANG		
29	07 20 1981	PSI	DEFENDANT'S PRESENTENCE REPORT		
30	07 24 1981	JDODS	ORDER DEFERRING IMPOSITION OF SENT		
		JHK			
		MFILM	81 02948		
31	07 24 1981	APL	APPLICATION FOR WORK RELEASE		
32	07 24 1981	ORWR	ORDER FOR WORK RELEASE		

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

Attachment “G”

FILED
IN THE OFFICE OF
COUNTY CLERK, Grays Harbor Co., Wash.
11-1981
MARGARET J. BINGHAM, County Clerk
DEPUTY

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

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

NO. 81-1-00051-0
ORDER

On motion of the State of Washington
 By stipulation of the parties,
IT IS ORDERED that defendant's probation is
revoked.

DATED DEC 11 1981, 198

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

[Signature]
J U D G E
Approved (for entry) (as to form)
[Signature]
Attorney for Defendant

ORDER

FILED
IN THE OFFICE OF
COUNTY CLERK, Grays Harbor Co., Wash.
DEC 11 1981

MARGARET X 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, Dan Tigue, Mirad 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, 1981, in the presence of the defendant and his/her attorney.

Presented by:
Mirad R. Fuller
Deputy Prosecuting Attorney

[Signature]
Approved as to Form:
[Signature]
Attorney for Defendant

JUDGMENT AND SENTENCE
(Institution)

53

Attachment “H”

Attachment “I”

81-9-01184-7

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

DEC 11 1981

MARGARET B. BINGHAM, County Clerk

DEPUTY

SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR

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~~) of the crime(s) of Taking or

Riding in Motor Vehicle w/o Permission ^{RWQA.56 070}, 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, 72942 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 81-1-00051-0

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)

22

GRAYS HARBOR COUNTY PROSECUTOR

April 15, 2016 - 4:28 PM

Transmittal Letter

Document Uploaded: 5-prp2-482827-Response.pdf

Case Name:

Court of Appeals Case Number: 48282-7

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion:

Answer/Reply to Motion:

Brief:

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes:

Hearing Date(s):

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other:

Comments:

No Comments were entered.

Sender Name: Katherine L Svoboda - Email: ksvoboda@co.grays-harbor.wa.us

A copy of this document has been emailed to the following addresses:

backlundmistry@gmail.com