NO.

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

IN RE THE PERSONAL RESTRAINT PETITION OF

RONNY MCDANIEL

PETITIONER

PERSONAL RESTRAINT PETITION

THURSTON COUNTY 14-1-00211-8

RICHARD WOODROW

Attorney for Petitioner

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I. Status of the Petitioner

My name is Ronny McDaniel DOC #395977 and I am currently held at Clallum Bay Correctional Facility located at 1830 Eagle Crest Way, Clallum Bay, WA 98327.

I plead guilty to Manslaughter in the First Degree and Robbery in the First Degree on December 19, 2016 and I was sentenced on the same day to an exceptional sentence upward to 204 months. (RP pg. 35-37) I was 17 years old when the crime happened. I was originally charged with Murder in the First Degree and Attempted Robbery in the First Degree. The Robbery charge was predicated on the theft of marijuana. I and my co-defendants had smoked marijuana prior to the robbery attempt. (Attachment A is the judgement and sentence and defendant statement on plea of guilty)

As part of my plea charges were dismissed against my mother and my brother. Robin Mena and Nathaniel Swanson. (page 4 of the statement of defendant on plea of guilty)

II. Facts

Attached is the statement of probable cause as Attachment B.

I was in high school when this crime happened. I had an Individual Education Plan when I was in school. That plan indicated that I had substantial difficulties reading and writing. I attended many schools while growing up. I missed most of one year of school because my family didn't make me go to school so I didn't go. I played sports and liked that.

Right before this crime happened I was attending high school and playing football in Puyallup. I lived with my aunt. I didn't know many people so when my friends showed up from the Olympia area I quit and returned to Lacy. I was couch surfing and playing video games and smoking a lot of marijuana.

When this crime happened we had just smoked some marijuana and a friend called a friend to set up this deal to buy marijuana. The idea was to have the guy with the marijuana let us look at the marijuana we would then keep the marijuana and run.

The deal was set to happen at Safeway but the victim wouldn't let us hold the marijuana. So nothing happened. A few minutes after that the victim texted us or we texted him to set up another deal. This was set to happen at an apartment. I had a gun. Nobody knew I had the gun. When the deal went down I pointed the gun into the open car door. When the deal didn't happen the victim drove away fast like he was upset and the car door hit my arm and the gun discharged. My head was outside of the car. One bullet from the .22 killed the victim. The victim drove a short distance and we ran.

When the victim was killed he was under investigation of a different charge.

I was seen by a doctor from the University of Washington. His report is Attachment C.

Having charges dismissed against my mother and brother was a huge inducement for me to plead guilty.

III Unlawful Restraint

A petitioner may request relief through a PRP when he is under an unlawful restraint. RAP 16.4(a)-(c). A personal restraint petitioner must prove either a (1) constitutional error that results in actual and substantial prejudice or (2) nonconstitutional error that "'constitutes a fundamental defect which inherently results in a complete miscarriage of justice.'" *In re Pers. Restraint of Davis*, 152 Wn.2d 647, 672, 101 P.3d 1 (2004) (quoting *In re Pers. Restraint of Cook*, 114 Wn.2d 802, 813, 792 P.2d 506 (1990)).

McDaniel's PRP is not time-barred because one year has not passed. Generally, no petition or motion for a collateral attack on a sentence in a criminal case may be filed more than one year after the judgment becomes final. RCW 10.73.090.

Miller unequivocally held that a mandatory life sentence without parole for those under 18 at the time of their crimes violated the Eighth Amendment's prohibition on cruel and unusual punishments. 567 U.S. at 465. Prior to the publication of Miller, "29 jurisdictions . . . ma[d]e a life-without-parole term mandatory for some juveniles." 567 U.S. at 482. That is, in 29 jurisdictions, including Washington, a juvenile could not argue that a mandatory life-without-parole sentence was unconstitutional prior to Miller's publication. See *State v. Ronquillo*, 190 Wn. App. 765, 777-79, 361 P.3d 779 (2015) (discussing

Washington's "Miller fix" statute, RCW 9.94A.730, and the intent of our legislature to cure any constitutional sentencing defects following the publication of Miller). Similarly, *Houston-Sconiers* held that courts sentencing juveniles in adult court have "absolute discretion to depart as far as they want" from standard sentencing ranges and mandatory enhancements. 188 Wn.2d at 9. The trial court judge "expressed frustration at his inability to exercise greater discretion over the sentences imposed." *Houston-Sconiers*, 188 Wn.2d at 13. Consol. Nos. 49127-3-II / 49257-1-II. Moreover, *Houston-Sconiers* overruled a prior appellate decision that was determinative of the outcome here: *State v. Brown*, 139 Wn.2d 20, 22, 983 P.2d 608 (1999) (holding that sentencing courts have no discretion to impose an exceptional sentence below the time specified in mandatory enhancements), *overruled by Houston-Sconiers*, 188 Wn.2d 1.

In 1997, in State v. Ha'mim, 132 Wn.2d 834, 940 P.2d 633 (1997) an 18-year-old defendant requested an exceptional sentence below the standard range on the basis of her youth and her absence of police contacts. 132 Wn.2d 834, 837, 940 P.2d 633 (1997). The trial court imposed the exceptional sentence downward, relying on the defendant's youth as a mitigating factor. Ha'mim, 132 Wn.2d at 838.

The Supreme Court reversed. Ha'mim, 132 Wn.2d at 848. It declined "to hold that age alone may be used as a factor to impose an exceptional sentence outside of the standard range." Ha'mim, 132 Wn.2d at 846. The court noted that age "could be relevant" to the statutory mitigating factor that the defendant's capacity to appreciate the wrongfulness of her conduct or conform her behavior to the law was impaired. Ha'mim, 132 Wn.2d at 846. But the court noted that the trial court had made "no such finding." Ha'mim, 132 Wn.2d at 846.

The court also stated that age alone could not be a nonstatutory mitigating factor. Ha'mim, 132 Wn.2d at 847. The court held that "the age of a young adult defendant is not alone" a "substantial and compelling" factor. Ha'mim, 132 Wn.2d at 847. It also held that the "age of the defendant does not relate to the crime or the previous record of the defendant." Ha'mim, 132 Wn.2d at 847.

In 2005, in State v. Law, 154 Wn.2d 85, 110 P.3d 717 (2005). The Supreme Court engaged in a detailed discussion of what may constitute a nonstatutory factor justifying a sentence below the standard range. 154 Wn.2d 85, 94-98, 110 P.3d 717 (2005). The court explained that it had "rejected the use of age as a mitigating factor" in Ha'mim. Law, 154 Wn.2d at 98. The court quoted Ha'mim's conclusion that the defendant's age does not relate to the crime or record of the defendant. Law, 154 Wn.2d at 98 (quoting Ha'mim, 132 Wn.2d at 847). The court went on to

state that, in Ha'mim. it had held "that this personal factor was not a substantial and compelling reason to impose an exceptional sentence." Law, 154 Wn.2d at 98.

The Court in Light-Roth held that: "Law and Ha'mim together effectively prevented trial courts from considering whether a young adult defendant's age diminished his or her culpability unless something else tied the defendant's youth to the crime itself. Under O'Dell, trial courts are allowed to consider the defendant's youth and immaturity. In short, O'Dell approved of the argument that the earlier cases characterized as absurd." Light-Roth at No. 75129-8-I, 2017 WL 3473644, at *7 (Wash. Ct. App. Aug. 14, 2017).

IV Material to Sentence

McDaniel argues that the change in the law announced in O'Dell is material to his sentence because he was only 17 years old when he committed his crime and because his crime happened when McDaniel was using drugs. (See McDaniel's declaration)

McDaniel's attorney did not ask for an exceptional sentence downward or for a sentence within the range due to McDaniel's youth.

The Court in *Light-Roth* held that the change in the law *O'Dell* announced was material to *Light-Roth's* sentence because, under *O'Dell*, Light-Roth can now argue that his youth justified an exceptional sentence below the standard range. This same conclusion applies in McDaniel's case.

In *State v. Scott*, the court addressed whether Miller, which held "that a sentence of life without parole is unconstitutional for most juvenile offenders," was material to the sentence of a juvenile defendant who had received a de facto life sentence. 196 Wn. App. 961, 963, 385 P.3d 783 (2016*), review granted*. No. 94020-7, 2017 WL 1736726 (Wash. May 3, 2017). The parties agreed that Miller had announced a significant change in the law and that it applied retroactively. *Scott*, 196 Wn. App. at 965.

The State argued that Miller was not material to the defendant's sentence because the trial court had imposed the sentence as an exercise of discretion, not as a result of a mandatory scheme. Scott, 196 Wn. App. at 970. The Court of Appeals disagreed, holding that because the sentencing judge "did not meaningfully consider [the defendant's] age as a mitigating factor," the defendant's sentence fell "squarely within the constitutional concerns expressed in Miller." Scott, 196 Wn. App. at 970.

But the State also argued that Miller was not material to the defendant's sentence because any violation had been cured by the legislature's passage of a Miller-fix statute. Scott, 196 Wn. App. at 970-71. Under the Miller-fix statute, "a juvenile offender is presumptively eligible for early release after serving no less than 20 years." Scott, 196 Wn. App. at 971 (citing RCW 9.94A.730). The court agreed with the State, holding that Miller was not material to the defendant's sentence because, under the Miller-fix statute, the defendant was "no longer serving a sentence that is the equivalent of life without parole." Scott, 196 Wn. App. at 971-72.

By contrast, in *In re Pers. Restraint of Rowland*, the court held that a change in how the court compares convictions from other states was material to a petitioner's conviction because it led to a miscalculation of the petitioner's offender score, even though the trial court imposed an exceptional sentence above the standard range. 149 Wn. App. 496, 507, 204 P.3d 953 (2009).

In the present case McDaniel received a 204 month sentence. McDaniel was 17 when this crime happened. McDaniel did not ask for an exceptional sentence below the range based upon his age when the crime happened.

McDaniel's mother declared that her son was immature and had a hard time fitting in with society. Her son would often spend his free time in his room playing video games and not socializing with his peers. These facts are similar to Ligh-Roth's situation. Light-Roth's mother declared that, as a 19-year-old, Light-Roth "still continued to exhibit substantial impulsivity and a limited ability to manage his behavior by thinking through the consequences of his actions and by being drawn to risky and exciting behaviors." Light-Roth's cousin declared that Light-Roth was "stunted socially and emotionally due to unintentional neglect," and that Light- Roth was a "troubled teenager" struggling to "fit in and be accepted by his peers." Their statements are similar to the examples of "lay testimony" the Supreme Court provided in O'Dell for the purpose of "evaluating whether youth diminished a defendant's culpability." See, 183 Wn.2d at 697-98.

McDaniel not ask for an exceptional sentence downward. His attorney did not present that type of argument to the judge at sentencing.

In a recent decision In re Pers. Restraint of Smith, No. 49127-3-II, an unpublished opinion and attached to this petition, the Court granted Smith's petition, reversed his sentences and remanded him for resentencing.

On February 15, 2003, 17-year-old Smith shot Jason Fonder as part of a failed drug deal. Smith evaded law enforcement until he was eventually arrested in May 2004, when he was charged as an adult with attempted first degree murder (count I), first degree robbery (count III), possession of over 40 grams of marijuana (count IV), all with firearm enhancements, and possession of an illegal firearm (count II). Fonder survived the gunshot injury and was expected to testify against Smith at trial. On July 18, the day before trial was to begin and after Smith's 19th birthday, Smith facilitated a break-in of Fonder's house with the intent to kill Fonder to prevent him from testifying at Smith's trial. Smith's trial was delayed, and the State amended the information to add a second charge of attempted first degree murder (count V) and a residential burglary (count VI); the first degree robbery charge was changed to count II, the possession of marijuana charge was changed to count III, and the unlawful possession of a firearm charge was changed to count IV. Smith was convicted as charged.3 The sentencing court imposed standard range sentences, with mandatory firearm enhancements on counts I, II, and III. For these under-age-18 offenses, Smith was sentenced to a total of 460 consecutive months: 322 months for count I, plus 138 months for the firearm enhancements on counts I to III to run consecutively. For the over-age-18 offenses, Smith was sentenced to a total of 240 months to run consecutively to the under-age-18 offenses. The sentencing court concluded that it was mandated to run the firearm enhancements and sentences for the serious violent offenses (counts I and V) consecutively, pursuant to former RCW 9.94A.589 (2002). These sentences total 700 months or 58 years and 4 months. Of this sentence 38 years and 4 months are for the under-age-18 offenses and 20 years are for the over-age-18 offenses. The Court affirmed Smith's convictions in an unpublished opinion.

The issues in Smith are the same as the issues in McDaniel and the State in Smith agree that Smith was entitled to be re-sentenced. Smith at *7.

The Court held that the Eight Amendment extends greater protection to juveniles. Smith at *7. [1]

Under Houston-Sconiers a sentencing court has discretion to depart from mandatory firearm enhancements and from the serious violent offense rule that

[1] See, e.g., Miller, 567 U.S. at 479-80 (noting that "children are different" in support of holding mandatory life without parole sentences for juveniles unconstitutional); Graham v. Florida, 560 U.S. 48, 68-70, 130 S. Ct. 2011, 176 L. Ed. 2d 825 (2010) (holding life-without-parole sentences for nonhomicide offenses for juveniles unconstitutional); Roper v. Simmons, 543 U.S. 551, 574, 124 S. Ct. 1183, 161 L. Ed. 2d 1 (2005) (holding death penalty for juveniles unconstitutional).

requires consecutive sentences. Smith at *8 citing from Houston-Sconiers at 188 Wn.2d at 9.

McDaniel has shown a constitutional error that resulted in actual and substantial prejudice. The appropriate remedy is to remand for resentencing to allow the sentencing court an opportunity to consider the mitigating circumstances associated with McDaniel's youth.

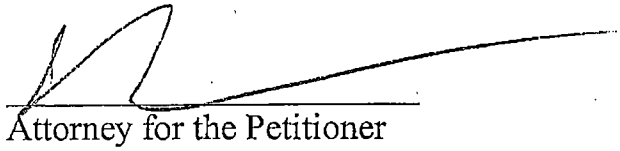
McDaniel is asking to be resentenced and have the judge consider his youthfulness at sentencing. McDaniel received an exceptional sentence upward. At re-sentencing McDaniel will be able to present testimony from his family and friends and expert testimony on the physiological and psychological factors that may have led to his involvement in this crime.

Counsel has been in discussions with the state and will also be filing a motion for resentencing in Thurston County Superior court.

I have read the contents of this petition and I swear under penalty of perjury that it is true and accurate under the laws of the state of Washington and I am the attorney for the Petitioner.

Dated this 17th day of December, 2017

Richard Woodrow



Attorney for the Petitioner
WSBA #18680

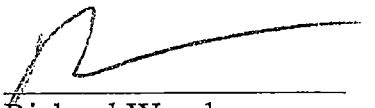
I swear or affirm or placed into the US mail postage prepaid a copy of this petition to:

Wayne Graham
Deputy Prosecuting Attorney
Thurston County
2000 Lakeridge Drive S.W.
Olympia, WA 98502

and

Ronny McDaniel #395977
Clallum Bay Correction Facility
1830 Eagle Crest Way
Clallum Bay, WA 98327

on December 18, 2017.



Richard Woodrow

ATTACHMENT A.

14-1-00211-8

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FILED
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THURSTON COUNTY WA
2014 JAN 28 PM 2:31
BETTY J. GOULD, CLERK

SUPERIOR COURT OF WASHINGTON
THURSTON COUNTY

STATE OF WASHINGTON, Plaintiff, vs. RONNY GERALD MCDANIEL, Defendant	NO: 14-1-00211-8 **DECLARATION OF PROSECUTOR SUPPORTING PROBABLE CAUSE**

JON TUNHEIM, Prosecuting Attorney for Thurston County, declares the following in support of probable cause for charges in the above-entitled cause:

I am the Prosecuting Attorney for Thurston County, Washington. I believe that there is probable cause to believe that the above named defendant has committed the crime(s) of **MURDER IN THE FIRST DEGREE and ATTEMPTED ROBBERY IN THE FIRST DEGREE** based on the following information from the official investigative reports:

On January 22, 2014, in Lacey, Washington, Ryan Hampton called 911 from a cell phone to report that a male shot at the driver of a red 'slug bug" vehicle that then drove off from the area buildings at the College Glen Apartments. Hampton advised the 911 call receiver that the suspect with the gun is Ronny McDaniel, who left in the opposite direction of the Safeway. The Safeway is located south of this apartment complex- Hampton advised that he witnessed the shooting, involving one shot, after which the driver of the red "slug bug" drove off toward the office of the complex. He provided names of additional persons with McDaniel to include N.A. (16 year-old) and Stephen Pettit. Hampton advised that most of the subjects were wearing blue and associated with the Crips gang.

Lacey Officers and Detective Knight responded to the scene. Dispatch advised of another caller reporting being out with the male patient, who was not breathing, in a vehicle (a red VW Beetle.) This vehicle was located at the entrance to the College Glen Apartments. When officers arrived on-scene, they removed a male, identified as 34 year-old Daniel Lee Smith from the driver's seat. He was unconscious and non-responsive. CPR was provided until Medics arrived and took over patient care. Smith was pronounced deceased by Medics at 1720 hours. Inspection of the body revealed an apparent gunshot wounds in the area of his right shoulder and left arm pit.

The red VW Beetle Daniel Smith was removed from had apparent blood on the driver's seat. Also on the seat was a small caliber bullet. The vehicle is registered to Daniel Smith's wife.

Through witness interviews to include Hampton, Detectives and Officers located and detained several subjects at the apartments. The subjects include Stephen R. Pettit, Eric T. Adamczewski, and Ryan S. Anderson.

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Through interviews under advisement and waiver of the Miranda Rights to include the additional warnings for juveniles for RYAN S. ANDERSON. Pettit, Adamczewski, and RYAN S. ANDERSON advised investigators that they, along with Ronny McDaniel and Nickolas Armajo were together. While there, Ronnie McDaniel and Nickolas Armajo formed a plan to rob the victim of his marijuana. All five were present during this discussion. Ronnie McDaniel asked for all to participate. RYAN S. ANDERSON then drove a vehicle - a Ford Explorer, with Nickolas Annajo in the front-passenger seat, Eric Adamczewski in the left-rear passenger seat, Stephen Pettit in the middle rear seal., and Ronny McDaniel in the right-rear seat.

They met Smith at Safeway on Yelm Hwy in Lacey. There, Nickolas Armajo asked for a showing of the marijuana. Smith reportedly said no, and asked for them to show the money- They didn't have the money. They left and went to the nearby QFC (without the victim), where Ronnie McDaniel re-contacts Smith by phone and they arrange for a meet at the College Glen Apartments. RYAN S. ANDERSON parks the vehicle in the entrance of the complex. Stephen Pettit and Ronny McDaniel exit the vehicle and go to the left. Eric Adamczewski exits the vehicle and goes to the right toward Smith's vehicle. A short time later, Nickolas Annajo exits the vehicle and joins Eric Adatnczewski. Nickolas Armajo and Eric Adamczewski then approach Smith's vehicle with plans of snatching the marijuana and running. Nickolas Armajo sits in the passenger seat of Smith's vehicle. Eric Adamczewski says that Nickolas Annajo asks Smith to show him the marijuana. Smith again asks to see the money. Nickolas Armajo then turns to Eric Adamczewski, who is standing outside the car. Stephen Pettit and Ronnie McDaniel then approach and Nickolas Anuajo exits.

Ronnie McDaniel then pulls a handgun out and points the gun into the car cocking the gun. Eric Adamczewski says that the victim starts to drive forward when Ronnie McDaniel fires the gun. Stephen Pettit and Ronnie McDaniel flee on foot. Eric Adamczewski, Nickolas Armajo, and RYAN S. ANDERSONget back in their car where RYAN S. ANDERSON then drives them back to the apartment. Ronnie McDaniel and Stephen Pettit later show-up at the apartment where Ronnie McDaniel calls someone for a ride.

Ronnie McDaniel and Nickolas Armajo then leave the scene with an unknown male. Their whereabouts were unaccounted for a period of time, until they were taken into custody in Shoshone County, Idaho by the Pinehurst Police Department in the late hours of January 23, 2014. The vehicle was being driven by Ronnie McDaniel's mother Robin Mena.

Ronnie McDaniel and Nickolas Armajo were subsequently transported back to the State of Washington after they waived extradition by the Lacey Police Department.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to the best of my knowledge. Signed on January 28, 2014, in Olympia, Washington.

JON TUNHEIM
Prosecuting Attorney
WSBA # 19783

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ATTACHMENT

B.

14-1-00211-8

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FILED
SUPERIOR COURT
THURSTON COUNTY, WA
2014 JAN 29 AM 10: 36
BETTY J. GOULD, CLERK

IN THE SUPERIOR COURT OF WASHINGTON IN AND FOR THURSTON COUNTY	
STATE OF WASHINGTON, Plaintiff, vs. RONNY GERALD MCDANIEL DESC: W/M/506/145/BRN/BRN DOB: 02/20/1996 SID: UNKNOWN FBI: UNKNOWN BOOKING NO. UNKNOWN PCN: UNKNOWN Defendant.	NO. 14-1-00211-8 **INFORMATION** JON TUNHEIM Prosecuting Attorney Jointly Charged with Co-Defendant(s): STEPHEN RAY PETTIT #14-1-00179-1 RYAN SCOTT ANDERSON #14-1-00191-0 ERIC TODD ADAMCZEWSKI #14-1-00180-4 NICKOLAS ARMAJO #14-1-00210-0

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

COUNT I - MURDER IN THE FIRST DEGREE WHILE ARMED WITH A DEADLY WEAPON, RCW 9A.32.030(1)(a), RCW 9.94A.825, RCW 9.94A.533 AND RCW 9A.08.020 – CLASS A FELONY:

In that the defendant, RONNY GERALD MCDANIEL, as a principal or an accomplice, in the State of Washington, on or about January 22, 2014, did commit or attempt to commit the crime of robbery in the first or second degree, and in the course of or in furtherance of such crime or in immediate flight therefrom, he or another participant caused the death of a person other than one of the participants. It is further alleged that during the commission of this offense, the defendant or an accomplice, was armed with a deadly weapon, to-wit: a firearm.

COUNT II - ATTEMPTED ROBBERY IN THE FIRST DEGREE WHILE ARMED WITH A DEADLY WEAPON, RCW 9A.28.020, RCW 9A.56.200, RCW 9.94A.825, RCW 9.94A.533, AND RCW 9A.08.020 – CLASS B FELONY:

In that the defendant, RONNY GERALD MCDANIEL, as a principal or as an accomplice, in the State of Washington, on or about January 22, 2014, with intent to unlawfully take personal property from the person or in the presence of another against such person's will by use or threatened use of immediate force, violence, or fear of injury to such person or his property, did take a substantial step toward the commission of that crime, and in the commission of or immediate flight therefrom, the accused was

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armed with a firearm or inflicted bodily injury upon such person. It is further alleged that during the commission of this offense, the defendant or an accomplice was armed with a deadly weapon, to-wit: a firearm.

DATED this 29th day of January, 2014.

JON TUNHEIM, WSBA# 19783
Prosecuting Attorney

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ATTACHMENT C.

Psychiatric Evaluation

Re: Ronny McDaniel
Date of Birth: February 20, 1996
Cause Number: 14-1-00211-8
Date of Report: December 15, 2015

Reasons for Referral: Defense attorney Richard Woodrow referred Ronny McDaniel to evaluate Ronny's mental condition in the context of brain development.

Evaluation Procedures: Terry Lee, MD, board certified child, adolescent, and adult psychiatrist performed the evaluation.

- Interview of Ronny McDaniel in Thurston County Corrections Facility on 4/24/15
- Review Declaration of Prosecutor Supporting Probable Cause dated 1/28/14Review of transcripts of Lacey Police Department interview of Eric Todd Adamczewski dated 1/30/15
- Review of Lacey Police Department report by E.J. Liening dated 2/12/14
- Review of Attorney Richard Woodrow notes of interview with Ronny's mother Robyn Mena and maternal aunt Adrian Anderson
- Review of North Thurston Public Schools records

Notification of Rights: Prior to the evaluation, Ronny McDaniel was informed of the nature of the evaluation, and the inherent limited confidentiality. He was informed that a copy of the findings would be sent to his attorney for possible use in his court case. He was informed that he had the right to refuse participation in the evaluation to any extent he wished. He responded that he had discussed participation in the evaluation with his attorney and was aware of the limited confidentiality. He agreed to participate in the evaluation.

Identification: At the time of the interview, Ronny was a 19 years and 2 months old male. He was 17 years and 11 months old at the time of the alleged referral offense.

Social History: Ronny was the fourth of five children born to his mother. He has 3 older half-brothers who all have the same father, and one younger 17-year-old half-brother with a different father. Ronny and his family faced a number of adversities when growing up. Child Protective Services (CPS) was reportedly involved with Ronny's family because of neglect and abusive parenting practices. Ronny did not have a father or father figure. He met his father for the first time when Ronny was 10 or 11 years old, and had only a few contacts after. Financial resources were very limited. His father reportedly owed large amounts of child support. His mother had a number of physical and behavioral health challenges. She had a brain aneurysm that required surgery and multiple hospitalizations as long as 3-4 months. She reportedly had a history of depression, substance abuse, and suicide attempts. His mother was not able to work at times because of illness, and when healthy, she had

difficulty maintaining steady work. Ronny lived mostly with his mother and 4 half-brothers. His aunts sometimes took in Ronny and his half-brothers when his mother was unable to care for them. Ronny's family moved frequently, and sometimes lived in motels.

Ronny enjoyed playing sports while growing up, and played high school football.

School History: Ronny estimates he attended 8-9 elementary schools. He did not attend school regularly. He repeated the 3rd grade because of academic difficulties and poor attendance. He reports he qualified for Special Education services in 4th and 5th grades for reading and writing learning disabilities. He had problems with reading prior to being identified for Special Education services. In elementary school, he felt anxious and nervous when called on by the teacher to speak in class. He was teased and bullied by the other students because of his academic and behavioral difficulties. He described problems with paying attention, staying on track, fidgetiness, and annoying others by tapping his pencil in elementary school. He reported problems with following the rules at school, being disrespectful to teachers, fighting, and disciplinary consequences, including detentions and suspensions. According to Ronny's mother and aunt, he missed substantial amounts of school. Schools filed truancy petitions because his mother was unable to consistently get Ronny to school.

Family Psychiatric History: Ronny reports that his mother has a history of depression and was prescribed psychiatric medication treatment. She attempted suicide when he was growing up. Ronny's mother is also reported to have had problems with drug abuse. Three of his four half-brothers were diagnosed with attention-deficit/hyperactivity disorder and treated with medication when they were in elementary school. His oldest half-brother has a history of drinking heavily, and this decreased after he joined the army. This same half-brother had a suicide attempt by overdose approximately two years prior to this evaluation.

Mental Health History: Ronny denies history of mental health treatment, suicide attempts, suicidal ideation, or psychiatric medication trials prior to the referral offense.

Since being held in detention, he has undergone two psychiatric medication trials. He was prescribed mirtazapine 15 mg po qhs for insomnia at the time of this evaluation, which he found helpful. He started mirtazapine four months prior to this evaluation. Prior to mirtazapine, he underwent a trial of sertraline 100 mg po daily for mixed depression and anxiety symptoms for three months, but did not experience any positive effects.

Substance Use History: Ronny reports a history using marijuana, alcohol, and "spice"—typically a form of synthetic cannabis. He denies history of use of cocaine, heroin, ecstasy, or methadone. He first started smoking marijuana when he was 15 years old. He first used alcohol shortly after. He reports he used marijuana every

day when he was approximately 16 or 17 years old, and sometimes used alcohol heavily on the weekends during this time.

Legal History: He denies any prior history of legal problems.

Medical History: Ronny has insomnia, for which he takes mirtazapine. He reported he has a heart murmur, but is not recommended any precautions or treatment as a result of the murmur. He denied other active problems. He reported multiple fractures and sprains when younger. He denied history of surgeries. He denied any medication allergies.

Mental Status Examination

- Appearance/Behavior: Ronny presented as a well-developed, well-nourished cleanly groomed male dressed in detention garb. He was calm, pleasant, and cooperative throughout the interview. Eye contact and energy level were good.
- Speech: Within normal limits, without pressure, latency, or dysarthria.
- Thoughts: Organized with tight associations, linear, and goal-directed. He denied auditory or visual hallucinations, paranoid ideation, thought insertion or broadcasting, or ideas of reference. He did not appear to be attending to internal stimuli.
- Affect/Mood: He exhibited a mildly constricted range of affect with appropriate brightening and sadness on several occasions. He reported a four-month history of depression, sadness, anxiety, and ruminative thoughts relating to detention, court involvement, and what the future might hold for him. He reports decreased sleep with initial insomnia since being detained. He denies suicidal or homicidal ideation. Appetite and energy were described as adequate. He denied hopelessness. He reported he tries to enjoy some of the few activities he is allowed to engage in. He denied any history consistent with hypomanic or manic episodes. He denied current or previous grandiose delusions. He denied panic or agoraphobia.
- Cognition: He was alert and oriented to time, place, person, and the purpose of the interview. He was able to perform simple arithmetic calculations in his head accurately, and recall 3 out of 3 objects after 5 minutes. He named the presidents in backwards order as: "Obama, Bush, and I don't know." He stated that a tree and a bush are similar in that "they both have leaves and branches, and they grow." He responded to the question of how a plane and a bicycle are similar with "they're both metal?" His response to the "grass is always greener on the other side" was "it's better over there;" and "don't cry over spilt milk" was "can't do something abut something small."

Assessment: Ronny McDaniel was 17 years and 11 months old at the time of the referral offense, who presented to psychiatric evaluation with mixed depressive and anxiety symptoms, and history of disruptive behavior and alcohol and cannabis abuse.

- Social History is significant for no meaningful involvement of father or father figure in his life; and mother with history of brain aneurysm and surgery, depression, substance abuse, and suicide attempts; growing up in poverty with unstable housing; CPS involvement due to neglect and abuse; multiple separations from mother, and progressive disruptive behavior.
- Academic History is significant for learning disabilities, qualifying for Special Education services, academic difficulties, disruptive behavior in school, and teasing and bullying by other students because of academic and behavioral problems.
- Psychiatric History is significant for untreated disruptive behavior and substance abuse, possible undiagnosed attention-deficit/hyperactivity disorder, and current mixed depressive and anxiety symptoms.
- Strengths include Ronny's capacities to relate interpersonally and describe his emotions and thoughts, a supportive immediate and extended family, cohesiveness among Ronny's sibling group, and his involvement in sports.

Adolescent Brain Development: Scientific studies demonstrate that the quality and levels of cognitive, emotional, psychosocial, and neurobiological development in adolescents makes them fundamentally different than adults.[1] Compared to adults, adolescents are less able to control their impulses, they weigh the risks and rewards of possible actions differently, and they are less able to accurately envision the future and assess the consequences of their actions. Adolescents are also more likely to engage in risky behavior and are more susceptible to peer influences.

The prefrontal cortex is the area of the brain associated with executive functioning, including impulse control, planning, emotional regulation, risk assessment, problem solving, and moral reasoning. The prefrontal cortex continues to develop well after the age of 18. Instead of using the underdeveloped prefrontal cortex, adolescents use the amygdala, an area of the brain associated with emotions and emotion behavior, including aggression, fear, and anger.[2]

Dopamine is a natural chemical that plays a critical role in multiple body functions, including regulating the brain's reward and pleasure centers. Risk-taking peaks in adolescence because of increased reward seeking associated with a reorganization of the brain's dopamine system.[3] In addition, the presence of peers increases risk-taking behavior and heightens attention to the potential rewards, rather than the negatives, of risky behavior. Adolescents are much more susceptible to the influence

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[1] Scott ES & Steinberg L (2008). Rethinking juvenile justice. Cambridge, Mass: Harvard University Press

[2] Amicus Brief of the American Medical Association, et al, Roper v. Simmons, 2005

[3] Steinberg L (2008). A social neuroscience perspective on adolescent risk-taking. Developmental Review, 28: 78-106.

of peers than adults.[4] Adolescent vulnerability to peer influence appears to be related to greater activation in the brain's reward centers when peers are present.[5]

Thus, the difference between adolescent and adult brain functioning is not just one of degree; adolescents use different parts of their brain than adults when presented with choices and problems. As brains mature into adulthood, individuals become more adept at impulse control, planning, assessing risk and reward, resisting peer influences, and emotional regulation;[6] and are less drawn to risky behaviors.

In a series of rulings, the United States Supreme Court has reaffirmed the differences between adolescents and adults. As early as 1988, Justice John Paul Stevens wrote in the Thompson v. Oklahoma majority opinion:

> "Thus, the Court has already endorsed the proposition that less culpability should attach to a crime committed by a juvenile than to a comparable crime committed by an adult. The basis of this conclusion is too obvious to require extensive explanation. Inexperience, less education, and less intelligence make the teenager less able to evaluate the consequences of his or her conduct, while, at the same time, he or she is more apt to be motivated by a mere emotion or peer pressure than is an adult. The reason why juveniles are not trusted with the privileges and responsibilities of an adult also explain why their irresponsible conduct is not as morally reprehensible as that of an adult."

As an adolescent with relatively concrete thinking at the time of the referral offense, Ronny's brain functioned more on emotion and impulse. Around the time of the referral offense, Ronny used the parts of his brain associated with emotions and impulsivity, in contrast with a mature adult, who would use the planning and reasoning parts of his or her brain. The reward circuitry of Ronny's brain rendered him more likely to engage in risky behavior, which was further amplified by the presence of peers.

The aforementioned differences between adolescent and adult brain functioning pertain to comparisons of typical adolescents and adults. Ronny's upbringing was not typical in many respects; and his capacities to plan, inhibit impulses, assess pros

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[4] Gardner M & Steinberg L (2005). Peer influence on risk taking, risk preference, and risky decision making in adolescence and adulthood: An experimental study. Developmental Psychology, 41: 625-645.

[5] Chein J, Albert D, O'Brien L, Uckert K, Steinberg L (2011). Peers increase adolescent risk taking by enhancing activity in the brain's reward circuitry. Developmental Science, 14: F1-F10.

[6] Steinberg L & Scott ES (2003). Less guilty by reason of adolescence: Developmental immaturity, diminished responsibility, and the juvenile death penalty. American Psychologist, 58: 1009-1018

and cons of various actions, and resist peer influences were further compromised by a number of childhood adversities. Poverty and low socioeconomic status have been associated disparities in brain functioning on physiologic and imaging studies, and smaller brain gray matter volumes.[7][8][9] The short and long term effects of adverse childhood experiences, beyond low family income, are also associated with numerous changes in adolescent brain development. Ronny's adverse childhood experiences—including child maltreatment, bullying by peers, parent substance abuse, and maternal depression—increased the release of stress hormones in his brain. Increased release of stress hormones have been shown to alter the development and size of brain structures, including enlarging and over-activating the amygdala, the emotional part of the brain, and reducing the size and connections in the prefrontal cortex—the part of the brain controlling executive functioning.[10] Further, Ronny's disruptive behavior and substance use made him more predisposed towards high risk and sensation seeking behaviors,[11] while chronic marijuana use has been associated with impaired behavioral inhibition and increased impulsivity.[12]

Ronny's report that he displayed the gun but doesn't know why he displayed it reflects the impulsivity, still-developing decision-making, and limited foresight associated with adolescence and substance abuse.

Summary: During the referral offense, Ronny McDaniel's brain was functioning well within the adolescent stage of development, and distinct from adult stages of functioning. Furthermore, compared to more typical adolescents, Ronny's brain development was compromised by multiple hardships. As a result of his stage of brain development, Ronny was unable to thoughtfully plan his behavior, generate an array of potential actions, consider the positive and negative consequences of his actions, inhibit his behavior, delay gratification, recognize and avoid risk, and resist peer influences. Instead, his stage of brain development led him to act on emotion and impulse, miscalculate risk and engage in what mature adults would deem high

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[7] Hackman DA & Farah MJ (2009). Socioeconomic status and the developing brain. Trends in Cognitive Sciences, 13: 65-73.
[8] Hair NL, Hanson JL, Wolfe BL, Pollak SD (2015). Association of child poverty, brain development, and academic achievement. JAMA Pediatrics, 169: 822-829.
[9] Noble KG, Houston SM, Brito NH, et al (2015). Family income, parental education and brain structure in children and adolescents. Natural Neuroscience, 18: 773-778.
[10] Shonkoff JP, Garner AS, The Committee on Psychosocial aspects of child and family health, et al (2012). The lifelong effects of early childhood adversity and toxic. Pediatrics, 129: e232-e246.
[11] Bjork JM & Pardini DA (2015). Who are those "risk-taking adolescents"? Individual differences in developmental neuroimaging research. Developmental Cognitive Neuroscience, 11: 56-64.
[12] Behan, B, Connolly CG, Datwani S, et at (2014). Response inhibition and elevated parietal-cerebellar correlations in chronic correlations in chronic adolescent cannabis users. Neuropharmacology, 84: 131-137

risk behaviors, over-focus on rewards, and not foresee the possible outcomes of his actions.

With maturation, Ronny is expected to be more purposeful and deliberative in his actions, be better able to suppress his impulses, resist peer influence, and more effectively problem-solve.

Ronny has not received behavioral health treatment previously. Had he received the treatment he needed, his current involvement with the justice system might have been prevented. Given that he is treatment naïve, he could significantly benefit from therapy. He expressed a willingness to participate in treatment, and appears to be a good candidate for rehabilitation.

Terry Lee, MD
Board Certified Child, Adolescent and Adult Psychiatrist

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF THURSTON

STATE OF WASHINGTON,	)	
	)	
Plaintiff,	)	
	)	No. 14-1-00211-8
vs.	)	
	)	
RONNY G. MC DANIEL,	)	
	)	
Defendant.	)	

VERBATIM REPORT OF PROCEEDINGS

CHANGE OF PLEA AND SENTENCING

BE IT REMEMBERED that on the 19th day of December, 2016, the above-entitled and numbered cause came on for hearing before the Honorable Carol Murphy, Judge, Thurston County Superior Court, Olympia, Washington.

Kathryn A. Beehler, CCR No. 2448
Certified Realtime Reporter
Thurston County Superior Court
2000 Lakeridge Drive S.W.
Building 2, Room 109
Olympia, WA 98502
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1 December 19, 2016, Olympia, Washington

2 MORNING SESSION

3 The Honorable Judge Carol Murphy, Presiding

4 APPEARANCES:

5 The Defendant, Ronny G. Mc Daniel, with his Counsel Rich Woodrow, Attorney at Law; Wayne
6 Graham, Deputy Prosecuting Attorney, representing the State of Washington.
7 Kathryn A. Beehler, Official Reporter

8 --oOo--

9 MR. JURIS: Your Honor, if we could address
10 next Number 1, State v. Mc Daniel, Mr. Graham for the
11 State, Mr. Woodrow for the defense.
12 MR. GRAHAM: Good morning, Your Honor.
13 THE COURT: Good morning. Is Mr. Mc Daniel
14 present?
15 MR. WOODROW: Yes, Your Honor, he is. He's to
16 my left.
17 THE COURT: And Mr. Woodrow, you represent
18 Mr. Mc Daniel?
19 MR. WOODROW: I do, Your Honor.
20 THE COURT: Mr. Graham?
21 MR. GRAHAM: Good morning, Your Honor. I'm
22 handing forward a First Amended Information which a
23 copy has been previously provided to Mr. Woodrow and
24 his client, anticipating after he's arraigned on that
25 Information, I also handed forward a plea of guilty

1 as charged, relevant score sheets and criminal
2 history and an agreed recommendation, Your Honor, in
3 regards to the sentence being requested by both
4 parties and the justification for that.
5 THE COURT: Mr. Woodrow, have you received
6 that First Amended Information?
7 MR. WOODROW: Your Honor, I have, Your Honor.
8 We're going to waive formal reading and further
9 advisement of rights of right. I went over that
10 First Amended Information with Mr. Mc Daniel while he
11 was in jail. We're prepared to plead guilty to
12 Count 1 and to Count 2. Thank you, Your Honor.
13 THE COURT: Thank you.
14 Mr. Woodrow, have you reviewed the prosecutor's
15 statement of criminal history?
16 MR. WOODROW: I have, Your Honor. And I
17 showed that to my client, as well. He's also signed
18 off on that.
19 THE COURT: As far as you know, that
20 Information is accurate?
21 MR. WOODROW: Yes, Your Honor, it is.
22 THE COURT: Including the offender score?
23 MR. WOODROW: Yes, Your Honor.
24 THE COURT: Mr. Mc Daniel, I am looking at the
25 Statement of Defendant on Plea of Guilty. It is an

1 11-page document, and it looks like your signature is
2 here on page 10.
3 THE DEFENDANT: Yes, ma'am.
4 THE COURT: That's your signature?
5 THE DEFENDANT: Yes, Your Honor.
6 THE COURT: Did you read this document before
7 you signed it?
8 THE DEFENDANT: Yes, ma'am.
9 THE COURT: And did you have the opportunity
10 to go over it with Mr. Woodrow?
11 THE DEFENDANT: Yes, ma'am.
12 THE COURT: Did he answer all of your
13 questions to your satisfaction?
14 THE DEFENDANT: Yes.
15 THE COURT: Do you have any questions
16 remaining at this time?
17 THE DEFENDANT: No, Your Honor.
18 THE COURT: Mr. Mc Daniel, I am going to go
19 through some things in this document just to make
20 sure that you understand what's happening today. If
21 at any time you need to ask Mr. Woodrow a question,
22 just interrupt me so I can give you that opportunity.
23 THE DEFENDANT: Yes, Your Honor.
24 THE COURT: Okay?
25 With regard to these charges against you, you have

1 certain rights. You have the right to an attorney.
2 And you've been represented by an attorney throughout
3 these proceedings; correct?
4 THE DEFENDANT: Yes, Your Honor.
5 THE COURT: You have the right to require the
6 State to prove every element of every crime against
7 you. You have the right to a trial. You have the
8 right to appeal any guilty verdict at that trial.
9 These and other rights you give up by pleading guilty
10 today.
11 Do you understand that?
12 THE DEFENDANT: Yes, Your Honor.
13 THE COURT: On Count 1, manslaughter in the
14 first degree, with an offender score of two, your
15 standard range is 95 to 125 months with a maximum
16 term of life and a maximum fine of $50,000. Do you
17 understand that?
18 THE DEFENDANT: Yes, Your Honor.
19 THE COURT: On Count 2, robbery in the first
20 degree, with an offender score of two, your standard
21 range is 41 to 54 months with a maximum term of
22 10 years and a maximum fine of $20,000. Do you
23 understand that?
24 THE DEFENDANT: Yes, Your Honor.
25 THE COURT: On page 4 of this document that

1 you signed, it indicates that the prosecuting
2 attorney will make the following recommendation to
3 the court at sentencing if you plead guilty today:
4 That recommendation is an agreed exceptional sentence
5 to 204 months in custody. The State agrees to
6 dismiss charges regarding Robin Mena, M-E-N-A --
7 MR. GRAHAM: Yes, Your Honor.
8 THE COURT: -- and Nathaniel Swanson. The
9 recommendation also includes 36 months of community
10 custody on Count 1 and 54 months on Count 2. In
11 addition, no contact with codefendants in this case.
12 Mr. Graham, did I accurately state the
13 recommendation?
14 MR. GRAHAM: You did, Your Honor. And there
15 was obviously a lot there. I can list those names if
16 the court prefers, or we can address that however the
17 court wishes to as far as the codefendants,
18 Your Honor. I know that Mr. Mc Daniel knows who they
19 are, but if the court wants a cleaner record, I can
20 do that.
21 THE COURT: I know them from reviewing the
22 court file. And obviously any Judgment and Sentence
23 would need those names individually.
24 MR. GRAHAM: It would have that.
25 THE COURT: I think those of us familiar with

1 the case understand who they are.
2 MR. GRAHAM: Thank you, Your Honor.
3 THE COURT: Mr. Mc Daniel, do you understand,
4 this is the State's recommendation at sentencing?
5 THE DEFENDANT: Yes, Your Honor.
6 THE COURT: And do you understand, the court
7 is not required to follow that recommendation?
8 THE DEFENDANT: Yes, Your Honor.
9 THE COURT: Do you also understand that there
10 are other consequences to pleading guilty to felonies
11 that impact your right to vote, your right to own and
12 possess a firearm, and your right to return to the
13 country if you leave the country and are not a
14 citizen?
15 THE DEFENDANT: Yes, Your Honor.
16 THE COURT: And has Mr. Woodrow explained that
17 to you?
18 THE DEFENDANT: Yes, Your Honor.
19 THE COURT: Do you have any questions
20 regarding any collateral consequences resulting from
21 your guilty plea?
22 THE DEFENDANT: No, Your Honor.
23 THE COURT: Mr. Mc Daniel, as indicated on the
24 bottom of page 5 of this document that you signed,
25 this offense that you are pleading guilty to is a

1 most serious or strike offense. And I take it that
2 Mr. Woodrow has explained that to you.
3 THE DEFENDANT: Yes, Your Honor.
4 THE COURT: Also, has he explained to you the
5 consequences of pleading guilty to a strike offense?
6 THE DEFENDANT: Yes, Your Honor.
7 THE COURT: Do you have any questions of
8 Mr. Woodrow with regard to that?
9 THE DEFENDANT: No, Your Honor.
10 THE COURT: And Mr. Mc Daniel, as you reviewed
11 this document that you signed, there are places that
12 contain your initials. Did you read the entire
13 document?
14 THE DEFENDANT: Yes, Your Honor.
15 THE COURT: And those initials that are
16 contained in this document, did you write your
17 initials there?
18 THE DEFENDANT: Yes, Your Honor.
19 THE COURT: And did you have the opportunity
20 to ask Mr. Woodrow any questions that you had?
21 THE DEFENDANT: Yes, Your Honor.
22 THE COURT: You understood each of those
23 paragraphs?
24 THE DEFENDANT: Yes, Your Honor.
25 THE COURT: Counsel, anything else before we

1 proceed with the guilty plea?
2 MR. GRAHAM: Nothing from the State.
3 MR. WOODROW: No, Your Honor. Thank you.
4 THE COURT: Mr. Mc Daniel, as to Count 1 in
5 the First Amended Information, manslaughter in the
6 first degree, how do you plead guilty or not guilty?
7 THE DEFENDANT: Guilty.
8 THE COURT: As to Count 2 in the First Amended
9 Information, robbery in the first degree, how do you
10 plead, guilty or not guilty?
11 THE DEFENDANT: Guilty.
12 THE COURT: Has anyone made any threats
13 against you in order to have you plead guilty today?
14 THE DEFENDANT: No, Your Honor.
15 THE COURT: And do you make the decision to
16 plead guilty voluntarily?
17 THE DEFENDANT: Yes, Your Honor.
18 THE COURT: On page 10 of this document that
19 you signed, just above your signature it indicates
20 that you are pleading guilty pursuant to *In Re Barr*.
21 And I assume that Mr. Woodrow explained what that
22 means to you; is that correct?
23 THE DEFENDANT: Yes, Your Honor.
24 THE COURT: Because there's no statement on
25 this document, it requires that the court review

1 documents that are in the file. And you have allowed
2 the court to review documents in the file provided by
3 the prosecution in order to determine whether there
4 is a factual basis for your guilty plea pursuant to
5 *In Re Barr*.
6 Do you understand that?
7 THE DEFENDANT: Yes, Your Honor.
8 THE COURT: Prior to this hearing, I did
9 review that file, and that includes a statement or
10 declaration in support of probable cause that was
11 prepared by the prosecution. I'm familiar with this
12 and other related files. And based upon that, I find
13 that there is a factual basis for your guilty pleas.
14 I find that your guilty pleas are knowing and
15 voluntary, and I am accepting and entering your
16 guilty pleas at this time.
17 Counsel, will we be proceeding to sentencing
18 today?
19 MR. GRAHAM: We would ask that, Your Honor.
20 MR. WOODROW: Yes, Your Honor. Thank you.
21 THE COURT: Mr. Graham?
22 MR. GRAHAM: Your Honor, and I know this court
23 is familiar, as I think you've actually prepared for
24 Mr. Mc Daniel's case in the past once but is also
25 familiar with a number of the codefendants. And

1 Your Honor, it's always interesting standing before
2 the court, Mr. Mc Daniel, family members on both
3 sides, to try and make some sense of what brought us
4 here today. And that's nearly if not impossible.
5 We had five young men engaged in behavior that
6 there's no excuse for. And this day, Your Honor,
7 unfortunately, Ronny was the individual who had the
8 weapon that day, got caught up in something that went
9 well beyond what I think anybody had ever hoped for,
10 and Mr. Mc Daniel is the last of the five.
11 This recommendation, Your Honor, is a tough one
12 for the State, frankly, because unfortunately, at
13 some point you're just talking about time, how long
14 is appropriate; what's justice here. And that answer
15 is one that I'm not able to provide. I don't think
16 Daniel's family will ever have an answer; Daniel's
17 children will not have an answer. And it will be
18 something that families struggle with on both sides
19 of this incident.
20 The court I know is well aware of some of the
21 changes, both nationally and in the state, in regards
22 to how we address behavior of younger people who
23 commit very serious crimes. And Mr. Woodrow and I
24 have spent hours, Your Honor, discussing both
25 national and local trends, legislative as well as

1 philosophical. And frankly, I think we're about as
2 good as we could be here.
3 Seventeen years is an awfully long time for
4 anyone. Again, it does not unwind the clock. It
5 doesn't bring anyone back. I would note, and I've
6 spoken with the family on a number of occasions, as
7 well. Had there been multiple rounds fired, I think
8 we have a very different scenario to present to this
9 court. But the fact is that there was one round
10 fired. Now, that round was a lethal round, but it
11 goes to, I think, this recommendation's substance,
12 Your Honor, which is, these were young men who simply
13 weren't thinking, frankly, from my point.
14 I've had a number of contacts with all of them at
15 different levels, and I'm convinced, Your Honor, that
16 this day was like many other days for them and just
17 ended up escalating to a point where Mr. Smith is no
18 longer here with us and celebrating with his family.
19 And no words I'm able to say will bring that back.
20 No recommendation I am able to provide to this court,
21 Your Honor, will make anyone whole. But what we do
22 is try and seek justice with everything that we have
23 before us.
24 Mr. Woodrow had evaluations done by forensic
25 psychologists with that information to be presented

1 to the State. We've had a number of interviews with
2 the other men involved. And frankly, today is simply
3 the day to close this particular chapter and allow
4 people to move on with their lives, again, on both
5 sides.
6 The recommendation, Your Honor, is a substantial
7 exercise of discretion by the State in regards to the
8 amount of time the court saw in our memorandum that
9 we presented. The original amount of time faced was,
10 you know, upwards to 30 to 40 years with the firearm
11 enhancements and all of those things. But this court
12 knows that that sentence, given Mr. Mc Daniel's age
13 at the commission of the crime, would not have been
14 the sentence that he would have served. And so we
15 came to an agreement, Your Honor, with the 17 years,
16 with the agreement of the victim's family,
17 understanding all of the nuances that would take a
18 day to explain.
19 Their understanding of it -- I'll let them speak
20 for themselves, Your Honor, in regards to their
21 feelings. But they understand. And at some point, I
22 think that what my role was to hopefully try and
23 balance all of the information presented to this
24 court and the family, and frankly Mr. Mc Daniel, a
25 sentence that was just, fair, and also takes into

1 account frankly, Your Honor, that Mr. Mc Daniel is
2 accepting responsibility. This prosecutor will
3 always hold that in high stead. If somebody engages
4 in behavior that's criminal and they own it, that's
5 the first step, Your Honor, towards making change.
6 And I think the sentence hopefully does that.
7 The State is not asking for anything outside of
8 the statutorily mandated filing fee of $200, crime
9 victims fee of $500, and the DNA fee of $100. No
10 contact with Stephan Pettit, Ryan Anderson,
11 Eric Adamczewski or Nicholas Armajo. Restitution to
12 be reserved, Your Honor, for just clerical purposes,
13 almost. The 36 months of community supervision will
14 hopefully assist Mr. Mc Daniel when he comes back
15 into our community, which he will, to have some
16 assistance through the Department on having that be a
17 safe and law-abiding transition.
18 We're asking, Your Honor, that the weapon be
19 forfeited. And I would ask this court to allow
20 Ms. Ada Ruelos who have spoken at the other hearings
21 and Shirley Smith, who is Daniel's aunt -- they're
22 respective of the court's time and they will be
23 brief, but hopefully they wish to both convey some
24 thoughts to the court.
25 THE COURT: Absolutely. I have a couple of

1 questions, Mr. Graham, first. The court has
2 received, apparently, agreed findings in support of
3 an exceptional sentence here. And can you elaborate
4 on that?
5 MR. GRAHAM: Your Honor, by operation of
6 statute, and it's listed in the order as
7 9.94A.535(2)(a), would allow the parties to present
8 this furthering the goals of the Sentencing Reform
9 Act by agreement of the parties and as well there was
10 substantial and compelling reasons that I've
11 obviously touched on, without getting into in depth,
12 in regards to Mr. Mc Daniel's age at the commission
13 of this crime. And I'll simply put that on the
14 record as one of the compelling reasons, Your Honor,
15 that would justify an exceptional sentence up; but
16 it's obviously, Your Honor, in light of what
17 Mr. Mc Daniel was looking at originally, a
18 substantial reduction in the time that he will
19 actually be serving.
20 THE COURT: And so the agreement regarding the
21 exceptional sentence was a decision combined with the
22 modification of the charges?
23 MR. GRAHAM: Absolutely, Your Honor. It
24 allows some programming for Mr. Mc Daniel to
25 undertake that the original charges would not have

1 allowed. And again, given his age, that was
2 something that Mr. Woodrow and I spoke at a lot in
3 regards to what is our goal. Is our goal simply to
4 just lock Mr. Mc Daniel up as long as we can, or is
5 our goal to seek justice and hopefully provide him an
6 opportunity to better himself? Because he is going
7 to come back to the community. The reduction does
8 allow him to participate in some programming with the
9 Department that the original charges would have
10 precluded.
11 THE COURT: Thank you.
12 MR. GRAHAM: Thank you, Your Honor.
13 This is Ms. Shirley Smith, Your Honor.
14 MS. SMITH: My name is Shirley Smith. I'm
15 Daniel's aunt on his father's side.
16 Ronny Mc Daniel, I come to you on this day of
17 December 19th, 2016, to tell you that before today,
18 I've never met you, your family, or your friends
19 before. So I come here today with not hate and
20 despair but to bring you love and compassion as I
21 hope you will have for me as I tell you my story.
22 Ronny, I want you to picture a beautiful pond.
23 The pond is sitting in this beautiful field where
24 there's trees around for shade and the water is so
25 still, it almost looks like glass. Ronny, this is my

1 pond.

2 On the night of January 22nd, 2014, you decided

3 upon yourself to throw a pebble in my pond. Now,

4 you're probably thinking, so, it was just a pebble.

5 Well, Ronny, when you throw a rock in the water, it

6 makes a splash. And yes, even a small one but what

7 follows is other rings and the waves. And this is

8 where I want to tell you about my story.

9 Each ring and a wave is someone in your life. One

10 of the rings in the pond was Daniel's father. Don

11 was the fourth of five boys in the family and was the

12 older brother of my husband. Don is 57 years old,

13 and he was the cute little old man you see every day.

14 Yes, he was the little old man that took two

15 traffic lights to cross the street with his basket on

16 wheels that we all get so frustrated with. But Don

17 had a lot of heart problems and had to go in and have

18 bypass surgery. But when Don woke up from being on

19 life support, his kidneys failed to start back up

20 again. Ronny, Don was in full kidney failure. He

21 would endure painful dialysis three times a week, and

22 dialysis where they hook the needles in your veins,

23 and they pump all your blood out, wash it with

24 toxins, and then they pump it back in.

25 This is a very, very painful procedure. It takes

about four to five hours each time. And he was having to do this three to four times a week for the rest of his life. The toll on his heart was taking its effect, and now Don's heart was only pumping 10 percent of the time. Don was placed in a nursing home to undergo observation.

On the night of January 22nd, Don called my husband and I to come right away as somebody had just shot his son, my nephew, Daniel Smith. And Ronny Mc Daniel, that someone was you. Sadly to say, Don buried his son, and I hope with all my heart that you will never have to endure the pain of burying a child like Don did. This is a pain that I wish upon no one.

Ronny, Don went home with a broken heart, a father burying his children, and sadly to say, the pain was too much to bear for a frail heart. It was only beating 10 percent of the time. And I'm sad to say that Don stopped going to dialysis and died seven weeks later, March 13th, 2014, of a broken heart. Ronny, this was a big ripple in my pond. I didn't just lose my nephew. I lost my best friend.

As for the next rings, there's Daniel and his family. Daniel had two beautiful daughters and a beautiful wife. Ronny, these rings will ripple for

1 years to come. There will be lots of tears and lots
2 of heartache, as he will not be able to be there to
3 tuck them in at night and to walk them down the aisle
4 on their wedding days. But most of all, their father
5 will not be there to protect them from all the bad
6 things in this world, as you have already shown them
7 how bad things can get.
8 Ronny, the Bible teaches us not to judge each
9 other but to forgive one another and to leave the
10 judging to him. Ronny, you will not only have to
11 answer to the court today for what you have done, but
12 after you pass, you will have to answer for this
13 again when you get to heaven. Now, if you read the
14 Bible, and now that you have the time to do so, I
15 hope that you will, you will see that he doesn't
16 forgive this sin lightly. So Ronny, I come to you to
17 tell you that I bring you love and compassion, not
18 hate and despair.
19 Now Ronny, let's go down the street and visit your
20 pond. As I mentioned in the beginning of our story,
21 I've never met you, your family, or your friends. So
22 let's start you out with a really nice calm pond,
23 too. Now as I stand here on the edge of the pond
24 looking at the calm waters of yours, I realize that
25 most people would love to bend down and toss a rock

1 in your water and make all kinds of waves for you, as
2 I'm sure your family and friends have already
3 experienced today and for years to come. But the
4 Lord teaches us to forgive. So for that, Ronny, I
5 put my rock down, and I leave your waters as calm as
6 I found them.
7 As for Your Honor, I and the family wish with all
8 the love in our hearts for our nephew Daniel Smith
9 and my best friend, his father, Don Smith, that you
10 will find it in your heart to bend down and throw the
11 biggest boulder into Ronny Mc Daniel's pond and to
12 make a splash that will send out ripples of waves in
13 his pond for him and his family and friends to feel
14 from now until eternity. And I send love and prayers
15 with you, Ronny, on your long and painful journey.
16 And I hope here -- and I hope all here today will
17 realize that it might have been just a pebble to you,
18 but there are multiple rings in everyone's waves,
19 even if we don't see them, and they too will always
20 suffer for your actions.
21 Thank you.
22 THE COURT: Thank you very much for being
23 here.
24 MS. RUELOS: Good morning, Your Honor.
25 THE COURT: Good morning.

1 MS. RUELOS: Thank you for letting me speak
2 today. My name is Ada Ruelos. I'm Daniel Smith's
3 mother-in-law. I brought you the pictures of him and
4 my daughter and my granddaughters.
5 THE COURT: It's okay. Take your time.
6 MS. RUELOS: On January 22nd, 2014, my
7 family's life was forever changed. My son-in-law,
8 Daniel Smith, was violently murdered. I remember
9 everything that day. Dan and my daughter Jessica had
10 just moved out of my home three weeks before that to
11 take care of Dan's very ill father. Dan stopped by
12 that day to pick up my other daughter, Hannah. A few
13 hours later, my elderly father and I were watching
14 the five o'clock news when it came on, breaking news,
15 that a man had been shot in Lacey. I remember
16 thinking as I watched it, God, I hope that's not
17 somebody I know.
18 About two seconds later my phone rang. It's my
19 daughter Jessica. She was hysterical. She said,
20 Mom, Dan's been shot and Alicia, his sister, she's
21 sitting up there. And I can't get ahold of anybody.
22 Nobody will tell us what's going on. I said, where
23 are you and the girls? She said, we're at home. I
24 said okay. I'm on my way. You see, Your Honor,
25 people were already on Facebook telling my daughter

her husband had been shot.

I had people calling me telling me that my other daughter was with him and she wouldn't answer her phone. So I dropped my father off with my daughter Jessica, and I went to the crime scene myself. And the police tried to shoo me away. I said no, that's my daughter's car; where's my son-in-law? The officer led me to a detective and the coroner, and they asked me to describe Daniel. And I said he's short, he's got a shaved head and lots of tattoos. I said, here, here's a picture. I pulled up a picture and handed them my phone. And then they confirmed to me that Daniel was dead.

And I had to go home and go back to my daughter and confirm that her husband was dead. Then it got really real then. I thought -- you know, I thought Jessica was mine -- I mean, she wouldn't -- she wouldn't eat. She wouldn't get out of bed for like three weeks.

All I could think of what happened was the car seats, the baby's car seat, how could somebody not see the two car seats? Ayrial and Seanna were almost 3 and 17 months. Dan was a stay-at-home dad; Jessica worked. Yes, it's been three years now almost, and Ayrial's in kindergarten. He'd be so proud. But he

1 doesn't get to see it. He doesn't get to be there to
2 see her graduate, doesn't get to be there to walk her
3 down the aisle for either her or Seanna. Ayrial has
4 nightmares. She cries every day for her daddy.
5 Seanna was pretty little. She doesn't remember much,
6 but she asks about him a lot night.
7 Jessica now works over 60 hours a week, on
8 average, to support her children and pay for
9 childcare. As a matter of fact, in August, she
10 worked 23 days straight, 12-hour shifts, trying to
11 make enough money to buy another car, because her car
12 that he was killed in is still in the police impound.
13 She doesn't want it back anymore. But she had just
14 paid it off.
15 And the new car that she got actually was stolen
16 yesterday. Anyways, they had plans of, you know,
17 growing old together, starting their own business,
18 seeing their grand-kids. And now there's none of
19 that. We don't get Dan around anymore.
20 I have been to almost every single court
21 proceeding for these five people involved in his
22 death. I mean, even when it was continued, I was
23 there. I was there for every one. And I have heard
24 so many people tell me how they were just kids.
25 They're just kids. And yeah, Ronny Mc Daniel was 17.

1 But why wasn't he home at 5 o'clock on a Wednesday
2 night in January doing his homework or having dinner
3 with his family or even playing a video game instead
4 of ending Daniel Smith's life?
5 He's the one that did it. He pulled the trigger.
6 I'm told it was for two ounces of marijuana, the
7 equivalent of $240, that he could have got a job at
8 McDonalds and made in three days. They didn't even
9 get it. He didn't even get it.
10 I would like to say that I hope that he can learn
11 from this experience and get out and be a better
12 person. But you know, honestly, I don't know that I
13 can. My husband's a criminal, too. And he was in
14 jail with Ronny Mc Daniel, and they were in the same
15 tank, and he heard him bragging about killing my
16 son-in-law.
17 THE DEFENDANT: No way. That's a lie.
18 MS. RUELOS: I don't know what higher power
19 you all look to. I really do hope that God can do
20 something to change you, you know? Ayrial and
21 Seanna, they don't ever get to see their dad again,
22 ever. I'm going to pray for him and his family, and
23 I really pray that they never have to go through
24 anything like our family's had to go through.
25 Thank you.

1 THE COURT: Thank you.
2 Stanley, do you want these pictures back?
3 Thank you. Anything else, Mr. Graham?
4 MR. GRAHAM: No, Your Honor.
5 THE COURT: Mr. Woodrow?
6 MR. WOODROW: Thank you, Your Honor. I feel
7 what is important is to echo what Mr. Graham has
8 said, and that is what went into our negotiations to
9 arrive at this decision, which is a reduction of
10 charges but an elevation in the amount of time that
11 Mr. Mc Daniel is facing. And Your Honor, I did share
12 with the prosecutor some of the information regarding
13 Ronny as well as the psychiatric evaluation regarding
14 teenaged brain development and how that's being
15 looked at now in cases, but also stuff about Ronny
16 himself.
17 Ronny attended eight or nine, perhaps ten
18 different elementary schools. He didn't go to
19 school. He repeated the third grade twice. He was
20 in special education for the fourth and fifth grades.
21 He had learning disabilities which were identified
22 but were not addressed in school. He was teased and
23 bullied because of those academic problems. And he
24 didn't have a home life. He had no home life,
25 basically.

1 His mother, who was the individual that the
2 charges are being dismissed against, was identified
3 as being -- as having depression, psychiatric issues,
4 attempted suicide while Ronny was growing up. Ronny
5 and his family had to move from house to house. They
6 didn't have any money whatsoever. And I think that
7 affected Ronny. It made him out on this afternoon
8 without supervision. And basically, he had no father
9 whatsoever or father figure whatsoever. He had no --
10 basically no academic history whatsoever, although he
11 was playing varsity football at Puyallup High School,
12 and it was Rogers High School in his tenth grade.
13 But then his friends came up there, met with him, and
14 he left shortly thereafter and then came back down to
15 Lacey. I talked with his football coach. He said
16 Ronny was doing great as a wide out. It was the one
17 thing that he -- the one reason Ronny he came to
18 school was so that he could play football.
19 Your Honor, Ronny stands before you as having no
20 criminal history whatsoever. And I shared with
21 Mr. Graham, Your Honor, the scientific literature
22 regarding adolescents and how that dovetails in with
23 the law. You know, the scientific studies have shown
24 that the quality and levels of cognitive, emotional,
25 psychosocial, neurobiological development in

1 adolescents makes them fundamentally different than
2 adults. Compared to adults, adolescents are less
3 able to control their impulses. They weigh the risks
4 and rewards of possible actions differently. And
5 they are less able to accurately envision the future
6 of possible actions. They are less able to
7 accurately envision the future and assess the
8 consequences of their actions. They are more likely
9 to engage in risky behavior.
10 Ronny was 17 when this happened. The other
11 codefendant -- one of the codefendants was 16. And
12 what was central to our discussions to Mr. Graham was
13 how this happened. There were statements given from
14 four of the five other people which indicates that
15 this was not a robbery gone bad. This was a
16 situation where Ronny and this -- and the other
17 juveniles asked the person to let them look at the
18 marijuana so they could judge the quality of the
19 marijuana, is it sufficient, and then they would run.
20 This is what they did in the past.
21 Mr. Smith's brother called him. He was the one
22 who ordinarily sold the marijuana to these people.
23 And he told him to watch out for this, that that's
24 what they do, they'll grab the marijuana and run with
25 it. And these kids were all in great shape. They

1 were able to -- they were in great shape.
2 The State's theory of the case, of course, is that
3 this was a robbery in which a person -- they were
4 going to pull a gun and rob Mr. Smith of the
5 marijuana. And so we spent a lot of time talking
6 about that. One person of the codefendants indicated
7 what the State's theory of the case was, which was
8 that there was a gun and this was going to be a
9 robbery.
10 The other people said, well, Mr. Smith, or
11 whomever they were going to get the marijuana from
12 would show them the marijuana, they would look at it,
13 and then they'd run with it. But Mr. Smith didn't do
14 that, because he was warned by his brother.
15 And our argument to Mr. Graham was, well, the
16 first meeting occurred on the same day in the Safeway
17 parking lot. Mr. Smith didn't show the marijuana to
18 Nick, one of the codefendants. And so the
19 transaction was over. It didn't happen. Nobody
20 pulled a gun, nobody yelled "robbery," no one said
21 "give me all of your stuff." Because our theory of
22 the case was, that's just -- that was not going to
23 happen.
24 So I think that's important to realize is, our
25 theory of the case. And another component,

1 Your Honor, was this firearm that was used was a .22
2 caliber French-made firearm. Ordinarily it's a
3 six-pound pull on the trigger. But this firearm,
4 because of the age or it had been altered, had a
5 2.2 pound pull, which means that the amount off
6 pressure used to pull the trigger to make it fire was
7 a third of what it should have been which ordinarily
8 these are called a Saturday night special.
9 Our theory of the case was that the transaction
10 didn't happen. It was concluded. Mr. Smith, being
11 frustrated, left the parking lot of the apartment
12 complex. The vehicle hit Mr. Mc Daniel's arm. He
13 pulled the trigger. He pulled the trigger; the gun
14 discharged; one bullet killing Mr. Smith. However,
15 nobody said Mr. Mc Daniel, when the crime happened,
16 yelled words to the effect of give me everything
17 you've got, this is a robbery, here's my gun, give me
18 your marijuana.
19 Because our theory of the case was -- and which
20 was reflected in the evaluation was, Mr. Mc Daniel
21 doesn't know why he pulled that gun or pointed it.
22 He had it, he pulled it, he pointed that weapon. We
23 are here now. None of the people, including the
24 first person to get the deal, indicated that there
25 were any words spoken by Mr. Mc Daniel regarding

1 taking the marijuana from Mr. Smith.
2 So Your Honor, we're here because -- Mr. Graham
3 and I talked about all of these issues a lot. We
4 talked about the case law, the *Dell* case in
5 Washington state, the Supreme Court case which tells
6 the courts that they have to take into account the
7 brain development of the people that come before them
8 and sentence them accordingly.
9 *Dell* cited to *Roper*, the U.S. Supreme Court cases
10 which overturned the death penalty cases for
11 individuals because their brains were not
12 sufficiently developed when the crime happened. And
13 so the part of the brain that's not developed for
14 certain people is the back part of the brain which
15 tells people to stop, reflect upon what they're about
16 to do. It controls for impulsive behavior. That was
17 not developed in Mr. Mc Daniel's mind at -- in his
18 brain. That's one of the things that we talked
19 about.
20 And Mr. Graham cited to the RCWs, which of course,
21 if Mr. Mc Daniel was convicted at 25 years of his
22 sentence, courts are supposed to reexamine the
23 sentence to see if it's still reflective of the
24 original sentence. I want to let Your Honor to know,
25 while Mr. Mc Daniel has awaited trial, there's been

1 no disciplinary problems in the jail whatsoever.
2 And Your Honor, Mr. Smith -- you know, he chose to
3 sell drugs to children. He sold the -- he sold drugs
4 to teenagers in an apartment complex where a school
5 bus zone stop was less than 1,000 feet from him.
6 Mr. Smith had convictions for multiple felonies on
7 his adolescent -- his juvenile record as well as an
8 adult.
9 One of the convictions was for assault in the
10 second degree. He was charged with four felonies in
11 2004 involving a firearm. He was also apparently
12 under investigation at the time that he was --
13 MR. GRAHAM: Your Honor, I guess that he
14 would --
15 MR. WOODROW: -- killed for child molestation.
16 And this was also something that Mr. Graham and I
17 talked about in order to come to this conclusion
18 which we felt was reflective of what Mr. Mc Daniel
19 did and did not do. And I think the court should be
20 aware of all of these things. Because this was a
21 hard negotiated settlement.
22 I felt that 17 years was too much time for my
23 client. But I started to feel that Ronny was
24 listening to me too much when I was indicating to him
25 that this was a case that if we took it to trial, we

1 could possibly win. And I felt that I was having too
2 much of an impact on him. So we really had to sit
3 down and talk about this case and make a decision
4 whether or not we wanted to take a charge.
5 And I think the manslaughter charge, Your Honor,
6 with the robbery punishes Ronny for what he did. And
7 because of the felony murder charge, Your Honor,
8 manslaughter is not a lesser included charge lesser,
9 and so that's why we did the *In Re Barr* charge. And
10 if we went to trial, manslaughter would not be a type
11 of charge that the jury could come back on.
12 So I think this is a fair resolution to this case.
13 I think that it holds Mr. Mc Daniel accountable for
14 what he did, and it also puts in front of the court
15 all of the things that Mr. Graham and I were talking
16 about.
17 Thank you, Your Honor.
18 THE COURT: Anything else?
19 MR. WOODROW: No, Your Honor. Thank you.
20 THE COURT: Mr. Mc Daniel, you have the right
21 to address the court directly prior to sentencing.
22 Is there anything you wish to say?
23 THE DEFENDANT: Yes, Your Honor.
24 Words can't express the sorrow I feel for my
25 actions I've caused. I realize the horrible mistake

1 I made that day. I'm extremely sorry for what
2 happened. If there was any way I could make it up, I
3 would. I know there's no way. All I can do is ask
4 for the family's forgiveness. They have lost someone
5 precious to them and will grieve this constantly. I
6 will learn from my mistakes and use this prison time
7 as an opportunity to change my life around.
8 Thank you.
9 THE COURT: Anything else?
10 THE DEFENDANT: No, Your Honor.
11 THE COURT: The court is prepared to issue a
12 sentence at this time. As I indicated, while the
13 court was going through the process of taking the
14 guilty plea, I am familiar with this case, certainly
15 not as familiar as the attorneys are. This is a sad
16 day. And as Mr. Graham indicated, there's no good
17 outcome here.
18 Sometimes families who are related to victims of
19 crimes like this indicate they want closure. There
20 is really no closure with a situation like this. And
21 I don't think I could have stated the impact of these
22 crimes on other people any more eloquently than
23 Ms. Smith indicated today. But I know that this is
24 obviously life changing for Mr. Mc Daniel. Obviously
25 it's life changing for all of the family members of

1 Mr. Smith, his friends, his circle. There's no going
2 back.
3 The court is also familiar with the science
4 regarding brain development. Nothing related to that
5 science takes away the fact that Mr. Mc Daniel is
6 responsible for these crimes. And although the court
7 agrees that the attorneys know much more about this
8 case than the court does, and I appreciate all that's
9 gone into that discussion and coming up with an
10 agreed sentencing recommendation, the court
11 specifically is not agreeing that all of the factors
12 that have been mentioned today, specifically by
13 Mr. Woodrow, are relevant or necessarily would be
14 admitted at a trial in this case. But I appreciate
15 that many things that are said today and others have
16 gone into those discussions and to the joint
17 recommendation.
18 The court is imposing that jointly recommended
19 sentence. I believe that it is justified by the
20 facts in this case. And the court is in agreement
21 with the exceptional sentence, not just because of
22 the agreement of counsel, but because of the
23 particular factors in this case, not just the charges
24 that were pled guilty to but other charges, as well.
25 And I know that the attorneys in this case engaged in

1 very long negotiations. And that's appropriate in a
2 case like this.
3 I don't want Mr. Mc Daniel or those present to
4 hear about this case that negotiation means something
5 like this case isn't important. It's very important.
6 And that negotiation has to do with legal standards,
7 the facts of the case, and many things that those
8 have been -- who have been working on this case a
9 long time are familiar with. And so I honor those
10 negotiations, even though what we're talking about
11 are people's lives.
12 The court is imposing the standard fines and fees.
13 And Mr. Mc Daniel, your Judgment and Sentence will
14 not be completed until all of those are completely
15 paid, in addition to all of your time in custody, all
16 of the other elements of your sentence. Of course,
17 there are serious life changing impacts to your
18 sentence today. But of course, there are life
19 changing impacts any time a person's life is lost.
20 And that's what happened here.
21 The science that I'm familiar with regarding brain
22 development does not in any way take away from the
23 fact that you engaged in criminal behavior that
24 caused the death of another, Mr. Mc Daniel. That is
25 a true statement. And the court's imposition of the

1 sentence today -- it's put in place in order to help
2 everyone move forward. That doesn't mean move on.
3 That doesn't mean forget. It just means move forward
4 with a new and different life.
5 The court is reserving restitution. And
6 Mr. Woodrow, I would ask that you indicate in the
7 Judgment and Sentence whether Mr. Mc Daniel would
8 wave his presence at a restitution hearing to be held
9 in the future. The court is also ordering forfeiture
10 of the weapon involved.
11 And do the parties require any further
12 clarification of the sentence today?
13 MR. GRAHAM: No, Your Honor. I've listed the
14 codefendants' names as individuals that Mr. Mc Daniel
15 needs to avoid contact with in the Judgment and
16 Sentence. It had previously placed those names on
17 the record.
18 THE COURT: Thank you. And the no contact
19 orders with those individuals will be part of the
20 Judgment and Sentence, as well. I will sign that
21 after it's been signed by the attorneys.
22 Mr. Mc Daniel, with that signature, your Judgment
23 and Sentence becomes final. And you do lose certain
24 rights. That includes the right to own and possess a
25 firearm. That right is not restored to you until

1 after you're out of custody and your sentence is
2 completed, you go through a formal court process, and
3 obtain a court order restoring that right.
4 Do you understand that?
5 THE DEFENDANT: Yes, Your Honor.
6 THE COURT: Good luck to you.
7 THE DEFENDANT: Thank you.
8 MR. GRAHAM: Thank you, Your Honor.
9 MR. WOODROW: Thank you, Your Honor.
10 THE COURT: And the court at this time is
11 signing findings and conclusions regarding the
12 exceptional sentence.
13 MR. GRAHAM: Thank you, Your Honor.
14 THE COURT: Thank you.
15 * * *
16 THE COURT: And at this time I am signing the
17 Judgment and Sentence in Mr. Mc Daniel's case.
18
19 (Conclusion of December 19, 2016, Hearing.)
20
21
22
23
24
25

SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF THURSTON

Hon. Carol Murphy, Judge

State of Washington,	)	
Plaintiff,	)	
vs.	)	Case No. 14-1-00211-8
Ronny G. Mc Daniel,	)	REPORTER'S CERTIFICATE
Defendant.	)	

STATE OF WASHINGTON)
) ss
COUNTY OF THURSTON)

I, Kathryn A. Beehler, CCR, Official Reporter of the Superior Court of the State of Washington, in and for the county of Thurston, do hereby certify:

I reported the December 19, 2016, proceedings stenographically. This transcript is a true and correct record of the proceedings to the best of my ability, except any changes made by the trial judge reviewing the transcript. I am in no way related to or employed by any party in this matter, nor any counsel in the matter; and I have no financial interest in the litigation.

Kathryn A. Beehler, Reporter
C.C.R. No. 2248

RICHARD WOODROW
ATTORNEY AT LAW

3732 Pacific Ave SE | Olympia, WA 98501

Here IS A check for Ronny mcdaniel's PRP.
I EMailed over the PRP to COA2@Courts.WA.GOV
on 12-18-17. Here IS the check for 250.00

Ronny McDaniel
thurston county cause # 14-1-06211-8

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