NO. 78463-9
78464-7

SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

SARUN CHHOM,

Appellant,

and

STATE OF WASHINGTON,

Respondent,

v.

DENNIS STEEVER,

Appellant.

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SUPPLEMENTAL BRIEF OF RESPONDENT

NORM MALENG
King County Prosecuting Attorney

DEANNA JENNINGS FULLER
Senior Deputy Prosecuting Attorney
Attorneys for Respondent

King County Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9525
Fax (206) 296-2901

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A. ISSUE PRESENTED

The plain language of former CrRLJ 3.3(g)(5)[1] excludes from time for trial calculations, any time spent while detained in jail or prison outside the county in which the defendant is charged. Sarun Chhom and Dennis Steever were in the custody of the Yakima County Jail on commitments issued by the municipal courts of the City of Bellevue (Chhom), the City of Burien and the City of Seattle (Steever), during the same time that charges were pending in their King County cases. Should this Court affirm the Court of Appeals in holding that the time in Yakima County was properly excluded in calculating the time for trial in King County?

B. STATEMENT OF THE CASE[2]

1. SARUN CHHOM

Chhom was charged on February 5, 2003, in King County District Court for Driving While License Suspended/Revoked in the Second Degree (DWLS 2°), RCW 46.20.342. C-CP 2-5, 65, 16-17.[3] After

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[1] CrRLJ 3.3(g)(5) was unchanged though re-numbered as CrRLJ 3.3(e)(6) in the extensive 2003 amendments to the time for trial rules.

[2] A more detailed statement of the case was set forth in the briefing below. See, Br. of Resp., pp.4-8 (Chhom); Br. of App., pp. 1-4 (Steever). Also, Appendices A and B here provide a time for trial chronology for Chhom and Steever, respectively.

[3] The record is designated herein as "C-CP" for Chhom or "S-CP" for Steever, including pages in the short reports of proceedings in each case.

arraignment on February 13, 2003, Chhom failed to appear for a pretrial hearing on March 14, 2003. C-CP 2-5.

In the meantime, Chhom had also failed to appear for a 120-day jail commitment on another DWLS 2° for which he had been convicted on February 10, 2003, in Bellevue Municipal Court. The Bellevue court issued a warrant, he was booked on it on April 3, 2003, and just two days later transported to Yakima County Jail to serve his sentence on the City of Bellevue Municipal Court charge. C-CP 69-70. On June 19, 2003 Chhom was released from jail on the Bellevue City commitment and, based on the State's warrant, he was transported back to King County Jail, but released the next day. C-CP 69.

Chhom later moved to dismiss, arguing that the State had failed to exercise due diligence in bringing him to trial while he was in Yakima on the Bellevue City charge because, although Chhom was being held on a municipal matter, he was still being held on a county charge, since the City of Bellevue is in King County. C-CP 71-74. The State argued that CrRLJ 3.3(g)(5) and City of Seattle v. Guay, 150 Wn.2d 288, 76 P.3d 231 (2003), excluded the time spent in Yakima County. C-CP 77. The defense argued that Guay was distinguishable from Chhom's case.

C-CP 75-76. The trial court[4] agreed and dismissed the case with prejudice. C-CP 79. The State filed a RALJ appeal in the King County Superior Court, where the trial court's decision was reversed and the case remanded for trial.[5]

2. DENNIS STEEVER

Steever was charged in King County District Court on August 6, 2002, with Driving While Under the Influence, RCW 46.61.502, DWLS 1°, RCW 46.20, and Hit and Run Unattended with Property Damage, RCW 46.52.010(2), under King County Causes CQ530668KC and Y20050103.[6] He failed to appear for arraignment on August 15, 2002, a warrant issued and he was booked into the King County Jail on November 1, 2002.[7] At that time, he also had a pending case from Seattle Municipal Court where a warrant had been issued. Steever appeared in King County District Court the next day and bonded out of custody on November 6, 2002. He again failed to appear for a hearing November 27,

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[4] King County District Court, Shoreline, Hon. Arthur C. Chapman.

[5] King County Cause 03-1-04820-4 SEA; decision by the Honorable Julie Spector.

[6] The case was first filed in Southwest District Court (now King County District Court, South Division) on August 6, 2002, under CQ53068KC (DUI, DWLS) and Y20050103 (Hit and Run); the cases were joined. The cases were then transferred to Seattle District Court (King County District Court, West Division, Seattle) on January 24, 2003.

[7] The events summarized here are described in the court's dockets, S-CP 6-10.

2002, and on December 4, 2002, a bench warrant was issued. He was booked into the King County Jail on January 19, 2003. Steever was also being held on Seattle Municipal and SeaTac Municipal Court matters. S-CP 6-10. On January 23, 2003, he was arraigned on the King County District Court charges; the next day the case was transferred to King County District Court in Seattle.

Although Steever posted bond on January 31, 2003, he remained in custody, this time at the Regional Justice Center ("RJC") in Kent on a City of Burien matter. Later, he signed a waiver through April 30, 2003. A hearing scheduled for March 19, 2003, was continued at the defense request because Steever was in Yakima Jail, serving a sentence imposed by the City of Seattle Municipal Court. On March 24, 2003, the State asked for a bench warrant so that the defendant could be brought to King County following his release in Yakima. It was issued March 31st and served on June 4, 2003.[8]

Several hearings were scheduled for June. Defense motions for release or to reduce bail were denied. On July 2, 2003, Steever again did

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[8] The record does not indicate where the warrant was served, but that defendant was booked in the King County Jail on it. Steever's criminal history is lengthy from arrests and convictions in King County as well as numerous municipal and district and superior courts around the State. The dockets in the present cases alone show the difficulties the courts have in tracking his whereabouts. See, i.e., S-CP 57-58 (booked 20 times 1989 through 2003).

not appear; it was reported that he had bailed out on June 29, 2003. He was not in custody at the King County Jail. Defense counsel stated that Steever might be on work release from other courts and requested a continuance to July 10, 2003. On July 10, 2003, defense counsel scheduled a hearing on a motion to dismiss for speedy trial violation. On August 7, 2003, the court dismissed all charges with prejudice on grounds the State violated the defendant's right to a speedy trial for failing to transport him from the Yakima Jail.[9] S-CP 179-82. Weeks later, on September 11, 2003, the Washington Supreme Court issued its opinion in City of Seattle v. Guay, 150 Wn.2d 288, 76 P.3d 231 (2003).[10] The State appealed the trial court's decision in King County Superior Court.[11] The superior court affirmed the trial court, finding that Steever's case differed substantially from Seattle v. Guay. The Court of Appeals granted both parties' motions for discretionary review (Petitioner Chhom, Petitioner State in Steever) and ruled in the State's favor in both cases, remanding them for trial. State v. Steever, 131 Wn. App. 334, 127 P.3d 749 (2006). This court granted discretionary review December 5, 2006 and consolidated the cases.

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[9] Hon. Barbara Linde, King County District Court, Seattle.

[10] In addition, the new Time for Trial rules took effect September 1, 2003.

[11] Hon. Wesley SaintClair, Cause 03-1-04753-4 SEA.

C. ARGUMENT

1. TIME FOR TRIAL WAS TOLLED IN KING COUNTY DISTRICT COURT DURING THE TIME DEFENDANTS WERE IN CUSTODY IN THE YAKIMA COUNTY JAIL SERVING SENTENCES IMPOSED BY THE MUNICIPAL COURTS OF BELLEVUE, SEATTLE AND BURIEN.

The plain language of CrRLJ 3.3(g)(5)[12] excludes the period of time for trial in a pending case where a defendant is in custody on another case in another county. Here, the defendants were in Yakima County Jail on commitments issued by the City of Bellevue, City of Seattle and City of Burien (i.e., non-King County cases). The Court of Appeals decision was correct.

a. Standard Of Review

A trial court's order on a motion to dismiss for a CrRLJ 3.3 violation is reviewed for manifest abuse of discretion. Seattle v. Guay,150 Wn.2d 288, 76 P.3d 231 (2003). A court abuses its discretion where the court applies the wrong legal principle, or where the decision was manifestly unreasonable, or where it was based on untenable grounds or reasons. City of Bellevue v. Vigil, 66 Wn. App. 891, 895 (1992). A court

[12] CrRLJ 3.3 (as well as CrRLJ 2.2 and 4.1 and the juvenile and superior court counterparts) was amended, effective September 1, 2003. CrRLJ 3.3(e)(6) is identical to former CrRLJ 3.3(g)(5).

acts on untenable grounds if (1) its factual findings are unsupported by the record, (2) it used an incorrect standard, (3) the facts do not meet the requirements of the correct standard, or (4) if its decision is outside the range of acceptable choices, given the facts and the legal standard. State v. Runquist, 79 Wn. App 786, 793, 905 P.2d 922 (1995). Here, the trial court in Chhom and the RALJ court in Steever, applied an incorrect standard to determine whether a speedy trial violation occurred. Those courts failed to follow Guay and failed to follow the plain language of CrRLJ 3.3(g)(5). The Superior Court properly reversed the trial court's dismissal in Chhom's case, and erred in affirming the dismissal in Steever's case. The Court of Appeals correctly found each of the trial courts to have abused its discretion.

b. Time For Trial Was Tolled While Defendants Were In The Custody Of Another Jurisdiction In Another County.

A defendant's right to a timely trial is required by CrRLJ 3.3.[13] A defendant who is not detained in jail must be brought to trial within 90 days of the commencement date, the date of arraignment. CrRLJ 3.3(b)(2), (c)(1). A criminal charge not brought to trial within the time limits outlined in CrRLJ 3.3 "shall be dismissed with prejudice." CrRLJ

[13] Defendants' constitutional right to speedy trial have never been challenged.

3.3(h). However, "[t]he time during which a defendant is detained in jail or prison outside the county in which the defendant is charged," is an excluded period. CrRLJ 3.3(g)(5).

> CrRLJ 3.3(g) Excluded Periods. The following periods shall be excluded in computing the time for . . . trial:
> (5) ***Defendant Subject to Foreign or Federal Custody or Conditions*** **The time during which a defendant is detained in jail or prison outside the county in which the defendant is charged** or in a federal jail or prison and the time during which a defendant is subjected to conditions of release not imposed by a court of the State of Washington.

(Emphasis added. Italics original.)

A defendant's multiple misdemeanor charges pending simultaneously in several different municipal and district court jurisdictions create substantial difficulties for those courts. One of the most difficult responsibilities for those courts is balancing the need for timely trials with the sometimes competing interests of several misdemeanor courts, attempting to simultaneously litigate multiple cases. CrRLJ 3.3(g)(5), now CrRLJ 3.3(e)(6), addresses that policy issue. The exclusion of time provision of CrRLJ 3.3(g)(5) was interpreted by this Court in City of Seattle v. Guay, supra. The plain language of the rule should be followed. That language is also consistent with the intent of the drafters of the amended time for trial rules to simplify them and to make

time for trial certain, without the inherent vagaries that result from various judicial interpretations over time.[14]

If this court were to accept Chhom's and Steever's arguments and the reasoning of the trial courts, it would ultimately reward the most prolific and mobile misdemeanants in the State. The dismissals, litigation and chaos resulting from the speedy trial demands of chronic offenders in multiple courts would not be in the interests of justice. CrRLJ 1.2. In addition, accepting these arguments would contravene the clearly stated intent of the Time for Trial Task Force in following the plain language of the time for trial rules.

The plain language of the rule eliminates the uncertainties that benefit defendants with prolific criminal histories, without protecting the public and the integrity of the court system. As the Guay court noted, the intrastate transport problems (created by mobile, chronic misdemeanor offenders) involve questions that need to be resolved through legislative processes. Guay, 150 Wn.2d at 301. The allocation of costs in developing a mechanism for transport and release alone is a significant legislative question. This Court queried, ". . . which county must incur the expense of transporting the defendant? Is the defendant transported back to the

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[14] See, Time-for-Trial Task Force, *Final Report,* at 17 (October 2002).

original holding county after his hearing and which county bears that expense? How is transport funded generally? What procedure must be followed? Where must the transfer process be initiated: in the receiving county or holding county? May the receiving county compel release before the term is served in the holding county?" Id.

As demonstrated in appellants' cases here, it is not only counties that have to determine allocation of costs, the municipalities across the State of Washington have to be involved as well because their budgets and resources are also at issue. In addition, it would have to be determined what responsibilities should be shouldered by prosecutors, court clerks or police agencies. It is common knowledge that the budget issues resulting in housing jail prisoners in various jails throughout the State are substantial and complex. Yakima County Jail has been a much-used facility recently; Okanogan County Jail is apparently gaining use by other counties and municipalities. In short, there is a long list of concerns a legislative or contracting process would need to address before this Court, or any court, creates duties of the district and municipal courts beyond each court's statutory authority. The powers of the courts of lower jurisdiction are limited to those created by the legislature and CrRLJ 3.3(g)(5) is consistent with the current powers of the lower courts created by the legislature relative to time for trials.

The court in Seattle v. Guay, supra, reasoned that the State is not required to exercise due diligence or good faith to transport an incarcerated misdemeanant from one county to another because there is no mechanism to do so. Guay, supra, at 303-304. One court of limited jurisdiction, in order to transport, cannot compel a misdemeanant's release from another county jail when he has been incarcerated by the authority of another jurisdiction.

For all these reasons, the plain language of CrRLJ 3.3(g)(5) excluded the time during which defendants Guay and Ackerman were in custody outside King County, where charges pending in the Seattle Municipal Court (Guay) and King County District Court (Ackerman) were the subject of motions to dismiss. The Court of Appeals in these cases followed Guay and followed the plain language of the rule in excluding time in Yakima Jail.

In Guay, both defendant Guay's and Ackerman's periods of time in custody out of county were excluded under CrRLJ 3.3(g)(5). The court succinctly held:

> We hold that there is no mechanism available to courts of limited jurisdiction to facilitate and compel the transport of misdemeanant defendants between county jails of this state. **We distinguish between being amenable to criminal process and being amenable to transport to court**. While courts of limited jurisdiction have the inherent authority to issue a transfer order to obtain a misdemeanant

> defendant's presence in court, this authority does not establish a mechanism that compels the holding county to **release** the defendant. We hold that CrRLJ 3.3(g)(5) does not contain a due diligence or good faith requirement because the rule's plain language does not reflect such obligations. As such, the time during which each Petitioner was incarcerated in another county is excluded from their speedy trial calculations . . .

Guay 150 Wn.2d at 291-292 (emphasis added).

Chhom's and Steever's claims are identical to the claims made in Guay, although these defendants attempt to distinguish Guay by claiming that, because each was incarcerated by a municipal court physically located in King County, the exclusion under CrRLJ 3.3(g)(5) does not apply. Such a construction would pervert the rule and its purpose and is inconsistent with Guay, the plain language of the rule and the intention of the drafters of the most recent time for trial rules, where the language of CrRLJ 3.3(g)(5) was left intact.[15]

As the Guay court held, reliance on State v. Anderson, 121 Wn.2d 852, 855 P.2d 671 (1993), is misplaced because a mechanism (there, the Interstate Agreement on Detainers, RCW 9.100, ("IAD")) exists for transporting incarcerated felons interstate, so that the prosecuting authority who has pending charges must exercise due diligence under the IAD to initiate transport that will protect the felon's time for trial rights. Guay,

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[15] See Time for Trial Task Force, *Final Report* at 17 (October 2002).

supra. Here, however, as in Guay, appellants cannot identify any statutory mechanisms analogous to the IAD. Therefore, they cannot demonstrate amenability to transport, a precedent to the State's obligation to exercise good faith and due diligence. State v. Roman, 94 Wn. App. 211, 972 P.2d 511, rev. denied, 138 Wn.2d 1014 (1999). Thus, the plain language of the rule tolls the misdemeanant's time spent in custody out of county.

The only principle of Anderson relevant here is that, where a mechanism is in place to assure release and uniform transport, then the State must exercise good faith and due diligence to effectuate that release and transport. A "mechanism" as defined by the Anderson court, however, requires the ability of one court to compel production of a defendant, even over another court's objection. It is not enough to observe that *sometimes, a misdemeanant is actually* brought to court from another county. There clearly was no "mechanism" in place by which the King County District Court could require defendants be released from the custody of Yakima County Jail in order to be transported to the King County Jail, contrary to the commitments by the three municipal courts of Bellevue, Burien and Seattle. The *mere possibility* of successful transport does not equate with a "mechanism" as defined by the Washington Supreme Court. Chhom and Steever thus fail to demonstrate they were *amenable* to transport.

i. It is irrelevant, for purposes of computing time for trial in King County District Court, that the municipalities that committed appellants to Yakima County Jail are located in King County.

Appellants cite State v. Mason, 34 Wn. App. 514, 663 P.2d 137 (1983), relating to allegations that the district courts found that "counties and their political subdivisions are the same jurisdiction for purposes of criminal prosecution." Chhom petition at 8; Steever petition at 8 (each referencing CP 171-182). But the trial courts made no such "factual" findings, and such a statement is not a factual finding in any event, but is a legal determination regarding the structure of state and local government[16].

Moreover, State v. Mason, supra, is inapposite. In Mason, Seattle police could choose to charge a misdemeanor under the City code, or a felony under state law, based on identical conduct. To avoid an equal protection problem, the appellate court held that the State statute preempted the city ordinance. Mason does not, however, hold that the distinction between city, state, and county courts is meaningless.

There are many statutes that demonstrate the specific and different

[16]The "political subdivision" claims are baseless. No record in either case says that either trial court used the term "political subdivision." Moreover, although it is cited as such, there is no CP 179-82 in Chhom's case. Thus, defendants are mistaken that there was a "failure to assign error" such that certain findings are a "verity on appeal."

authorities of courts of limited jurisdiction and none would support an argument that because a city is in a county, the county may act for the city or vice versa.[17] If neither can act for the other, then appellants' arguments that because a city is a "political subdivision" of a county -- so that "out of county" in CrRLJ 3.3(g)(5) doesn't say what it plainly says -- must fail.

Unlike superior courts that are authorized under the constitution and by statute to exercise their authority statewide, district courts have only as much power and authority as the legislature specifically creates for them by statute. Const. Art. IV, §§ 1, 4, 6, 10; State v. Davidson, 26 Wn. App. 623, 613 P.2d 564 (1980). No statute permits a district court to exercise its power beyond its own county borders unless it is to affect a case ultimately within its own jurisdiction. Id.; RCW 3.66.010 et seq. RCW 3.66.100 provides that "Every district judge having authority to hear a particular case may issue criminal process in and to any place in the state." However, that authority is limited to the court's own docket. Nothing authorizes one court to take over another court's cases.

RCW 3.66.100 authorizes the King County court's warrant to be effective statewide, insofar as arresting a defendant on its own case. The statute gives the court no authority over misdemeanors in other courts. In

[17] See, for example, RCW 35.20.010, et seq.; 3.46.010 et seq.; 70.48.010 et seq.; 72.76.010 et seq.; 3.6.010 et seq.

addition, as the Guay court recognized, certain inherent powers are vested in the courts of limited jurisdiction by RCW 2.28. However, Guay held that neither RCW 3.66.100 nor RCW 2.28 vests power in any court of limited jurisdiction to override the jurisdictional custody of a person committed by another court.[18] That is, it does not authorize the King County District Court to remove defendant to King County while he is in custody in Yakima County by orders of non-King County District Courts.

Appellants' arguments assume interchangeable, fungible judges and prosecutors with authority to handle both city and county cases so long as a court building is shared, or so long as a district court judge sits part time as a municipal court judge in the same county. But they cannot demonstrate how the State, which prosecutes cases in district court, could obtain authority to act in any city case, (or vice versa) whether the city is in the same county or not. Nor can they demonstrate how district court judges could exercise authority over city cases.

Appellants here each had multiple charges pending in different jurisdictions, including King County District Court. Neither was available for court in King County District Court proceedings because during the relevant period of time at issue here, each was incarcerated in Yakima

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[18] See Chhom Brief of Resp., pp 17-19, Court of Appeals briefs, for discussion of RCW 3.66.100.

County Jail pursuant to orders of commitment from municipal courts. The State's prosecutor could only ask the King County District Court to find a failure to appear and issue a bench warrant to ensure that upon release, the defendant would be brought before the district court as soon as practicable. The State could not insert itself into the City's cases. Guay, supra.

Just as the State prosecutor and the City prosecutor are not interchangeable, nor are the district courts and municipal courts. There are valid differences among the courts and specific jurisdictional authority, set by statute. Nollette v. Christianson, 115 Wn.2d 594, 800 P.2d 359 (1990), is illustrative of the requirement of specific authority legislated to the courts to enable district court judges to also handle municipal court duties. Nollette, a Spokane County District Court judge, sought declaratory judgment authorizing him to sit as a Spokane Municipal Court judge in Spokane County. The Washington Supreme Court held that one of the statutory requirements for any district court judge in Spokane was that he be appointed by the mayor, and the appellant Nollette had not been so appointed. As the court noted, not only was Nollette's interpretation of RCW 3.66.010 at odds with the express language of the statute, but such a reading would render other related statutes meaningless. Nollette at 606. The Court noted, " . . . under Nollette's interpretation of RCW 3.66.010,

every municipality would be required to allow every district court judge in the district to hear its municipal cases. Such a result, as a matter of policy, is neither practical nor reasonable." Id.

In sum, district court and municipal court powers and authority are different from those of the superior courts. In this instance, courts of lower jurisdiction do not have a mechanism analogous to superior courts' IAD proceedings that authorize taking a defendant committed to the Yakima County Jail by another jurisdiction, out of the Yakima County jail to transport him to King County. As the Guay court held, the duty of good faith and due diligence do not inhere in CrRLJ 3.3(g)(5) for speedy trial purposes. The authority of courts of limited jurisdiction is not fungible or interchangeable, but strictly determined by legislation.

ii. The language of CrRLJ 3.3(g)(5) was unchanged by the extensive 2003 amendments to the time for trial rules, thus if construed, it should be construed as in Guay, which follows the plain language of the unchanged rule.

The Uniform Statute and Rule Construction Act provides that a statute that is revised, whether by amendment or by repeal and reenactment, is a continuation of the previous statute or rule and not a new enactment to the extent that it contains substantially the same language as the previous statute or rule. AmJur 2d, §221, (citing U.S.R.C.A., § 14).

"It is a fundamental rule of statutory construction that once a statute has been construed by the highest court of the State, that construction operates as if it were originally written into it." Johnson v. Morris, 87 Wn.2d 922, 557 P.2d 1299 (1976); State v. Roggenkamp, 153 Wn.2d 614, 629, 106 P.3d 196 (2005). Moreover, when a statute is reenacted without material change, it is generally presumed that the legislature knew and adopted or approved the interpretation placed on the original act, and intended that the new enactment should receive the same construction as the old one. Roggenkamp, supra; Miller v. State, 33 S.W.3d 257 (Tex. Crim. App. 2000).

Here, when the extensive amendments were done to the time for trial rules in 2003, as noted above, the language of 3.3(g)(5) was unchanged, and merely renumbered as 3.3(e)(6). The Time for Trial Task Force, the drafters of the amendments, stated their clear intent: to make time for trial more certain and to avoid judicial gloss by following the plain language of the rule. The inconsistencies in the decisions of the courts below illustrate the value of the drafters' intent. The Court of Appeals' decision is consistent with prior law as well as the plain language of the current amendments and should be affirmed.

D. CONCLUSION

Based on the foregoing, the State respectfully requests that this court affirm the decision of the Court of Appeals and remand these cases for trial.

DATED this 12th day of January, 2007.

Respectfully submitted,

NORM MALENG
King County Prosecuting Attorney

By:
DEANNA JENNINGS FULLER, WSBA #7914
Senior Deputy Prosecuting Attorney
Attorneys for Respondent
Office WSBA #91002

APPENDIX A

Sarun Chhom Time for Trial Chronology

Time for Trial Chronology

SARUN CHHOM

King County District Court No. C00434184 – DWLS 2

2/5/03	Case filed, Seattle Division King County District Court
2/13/03	Defendant arraigned
3/14/03	Defendant failed to appear for pre trial hearing; warrant ordered
4/16/03	Letter from defense attorney informing that defendant is in custody in Yakima County Jail (Bellevue Municipal Court commitment for failure to appear for previously ordered commitment; warrant issued 3/3/03, served 4/3/03)
6/19/03	Defendant booked into King County Jail on the King County warrant of 3/14/03
6/20/03	Defense notes time for trial objection
6/24 – 9/30/03	Miscellaneous events and hearings, held and continued
10/3/03	Court dismisses with prejudice on defense motion to dismiss for violation of CrRLJ 3.3

APPENDIX B

Steever Time for Trial Chronology

Time for Trial Chronology

DENNIS STEEVER

King County District Court No. CQ53068KC, DUI & Y2005, DWLS 1; Y20050103, Hit & Run

August 6, 2002 – August 7, 2003

8/6/02	**CQ53068KC** (DUI, DWLS) Case filed
8/15/02	Defendant fails to appear for arraignment; bench warrant ordered
11/01/02	Defendant booked; also, **Seattle Municipal Hold**; warrant served
11/2/02	Arraignment scheduled; rescheduled 11/4, 11/6
11/14/02	Def posted bond; arraignment rescheduled for 11/27/02
11/18/02	Letter received by court from "Linda Hughes" advising she bailed defendant; now entering 4-6 week inpatient alcohol treatment. Court's effort to reach Hughes fails (voice mail won't accept messages).
11/27/02	Defendant fails to appear for arraignment;
12/2/02	Court affirms finding of probable cause; orders FTA bench warrant
1/19/03	Court docket notes defendant has been booked; and has **both Seattle Municipal and SeaTac Municipal Court holds**; King County District Court warrant served
1/21/03	In-custody bail hearing; court awaiting fax information re bail
1/23/03	Hit and Run case, violation date 7/14/02 **(Y20050103)** filed
1/23/03	In-custody defendant arraigned on all three charges; change of division to Seattle Division
1/31/03	Bond posted
2/18/03	Court Detail unable to transport defendant; defendant **in jail at RJC**
2/19/03	Defense motion to continue; waiver time for trial to 4/30/03; no defendant
3/19/03	Hearing not held; defense continuance; defendant not present; **in Yakima on Burien case**, serving sentence; then, defense ready to proceed; court asks State to check regarding transport of defendant from Yakima
3/24/03	State asks for bench warrant, to allow defendant to be brought to King County following release in Yakima. Bench warrant ordered.
3/31/03	Bench warrant issued

6/4-6/5/03	Warrant served; defendant in court in custody 6/5
6/9/03	Pre trial hearing
6/23/03	Defense continuance; motion to release to work release denied; bond reduced
7/2/03	Defendant fails to appear; bailed out 6/29/03; defense counsel advises court defendant may be on work release for other matters; Defendant had apparently been **committed by City of SeaTac** on earlier order for probation violation, to serve consecutive to any other commitments. Defense continuance granted to 7/10/03; FTA Bench warrant issued
7/10/03	Defendant appears with counsel; defense asks that case be continued for speedy trial motion hearing; motion later set for 7/31/03
7/16/03	Defendant posts bond; is given notice of 7/31/03 hearing
7/17 - 7/30/03	Parties' briefs filed
8/7/03	Court dismisses on defense CrRLJ 3.3 motion

This chronology does not include events occurring in the municipal courts, except commitments that affected the King County District Court cases time frames.

CERTIFICATION OF SERVICE BY MAIL

Today I deposited in the mails of the United States of America, postage prepaid, a properly stamped envelope directed to:

Christine Jackson, the attorney of record for appellants Chhom & Steever at the following address:

The Seattle King County Public Defender
810 Third Avenue, #800
Seattle, WA 98104

The mailed envelope contained a copy of the Respondent's Supplemental Brief in the case of State of Washington v. Sarun Chhom and State of Washington v. Dennis Dean Steever, Cause #78463-9 and 78464-7.

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

U Brame

Done in Seattle, Washington on January 12, 2007