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Washington Court of Appeals, Division Three

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**COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

AMEL W. DALLUGE,

Petitioner.

NO. 25432-1-III

798211-9

RESPONSE OF THE
DEPARTMENT OF
CORRECTIONS

Respondent, the Department of Corrections (Department or DOC),
by and through its attorneys, ROB MCKENNA, Attorney General and
DONNA H. MULLEN, Assistant Attorney General, respectfully submits
this response to Mr. Dalluge's personal restraint petition in accordance
with RAP 16.9.

I. BASIS OF CUSTODY

Petitioner, Amel W. Dalluge, is currently on community custody
status under the jurisdiction of the Washington Department of Corrections
pursuant to two valid convictions in Grant County. On June 2, 2003, Mr.
Dalluge was found guilty of Escape from Community Custody. Exhibit 1,
Judgment and Sentence, State v. Dalluge, Grant County Superior Court
Cause No. 02-1-00862-6. He was sentenced to 90 days confinement with
credit for time served and 12 months of community custody. Id. at 7-8.

Subsequently, on January 15, 2004, Mr. Dalluge was found guilty
by jury trial of one count of Violation of the Uniform Controlled

Substances Act- Possession of Methamphetamine. Exhibit 2, Judgment and Sentence, State v. Dalluge, Grant County Superior Court Cause No. 04-9-00281-0. He was sentenced to 12 months plus one day and 9-12 months of community custody. Id. at 8.

Mr. Dalluge completed his prison term and was released on September 17, 2004, to his community custody term. Exhibit 3, Legal Face Sheet, Washington Department of Corrections Offender Based Tracking System (OBTS), at 2, movement entry dated 9/17/04 “CC (COMMUNITY CUSTODY) RELEASE.”

Currently, Mr. Dalluge is in jail custody pending charges. Mr. Dalluge has two future convictions from Grant County. On December 8, 2005, Mr. Dalluge was found guilty of Assault in the Third Degree – Law Enforcement Officer. Exhibit 4, Judgment and Sentence, State v. Dalluge. Grant County Superior Court Cause No. 05-1-00755-1. Mr. Dalluge was sentenced to 35 months confinement and a community custody range of 9-18 months. Id. at 7-8.

In addition, Mr. Dalluge was convicted by jury trial (joined with Cause No. 05-1-00755-1) of Malicious Mischief in the First Degree (Count I) and Possession of a Weapon by a Person Serving a Sentence in a Local Correctional Institution (Count II). Exhibit 5, Judgment and Sentence, State v. Dalluge, Grant County Superior Court Cause No. 05-1-

00754-3. Mr. Dalluge was sentenced to 29 months confinement on Count I and 12 months confinement on Count II, the terms to run concurrently with each other and Cause No. 05-1-00755-1.

II. STATEMENT OF THE CASE

On March 26, 2002, Mr. Dalluge was released from custody after serving the entire sentence for a Grant County conviction for Rape in the Third Degree and Complicity to Rape in the Third Degree, Exhibit 3 at 1-2, movement entry dated 2-26-02 "PRS (Post-Release Supervision) RELEASE." Prior to that, Mr. Dalluge was on community custody in connection with his 2002 conviction for Escape from Community Custody. See Exhibit 1. On October 21, 2003, based on a failure to report, the DOC issued a Departmental detainer. Exhibit 6, Offender Chrono Report, entries dated 11/20/03 and 11/21/03. Mr. Dalluge was arrested on November 23, 2003, on the DOC detainer. Exhibit 6 at entry dated 11/24/03. While being searched on booking into the Grant County Jail, Mr. Dalluge was arrest for possession of drugs. Exhibit 6 at entry dated 11/23/03 and 11/24/03.

Mr. Dalluge had a negotiated sanction hearing on December 2, 2004, for the following violations: (1) failing to report to the Department of Corrections on 11-5-03, 11-7-03 and 11-19-03; and (2) possessing a controlled substance, methamphetamine, on or about 11-23-03. The

second violation was dismissed without prejudice, pending the outcome of his new cause. Mr. Dalluge pleaded guilty to violation 1 and agreed to serve 11 days confinement and report weekly for 4 weeks after his release from confinement. Exhibit 7, DOC Report of Alleged Violation, dated February 22, 2006; Exhibit 6 at entries dated 12-01-03 and 12-02-03.

On February 25, 2004, Mr. Dalluge was sentenced to 12 months and one day confinement for the Possession of Methamphetamine. Exhibit 2; Exhibit 6 at entry dated 02/25/04. He was released from prison on September 17, 2004. Exhibit 3 at 2.

On November 9, 2004, Mr. Dalluge was arrested in Adams County and charged with Second Degree Burglary and Third Degree Theft. Exhibit 6 at entries dated 11/09/04 and 3/23/05. He also was charged with Malicious Mischief in the Third Degree for “obstructing an officer for breaking the visitation room phones and resisting CO’s when they tried to remove him from the booth.” Exhibit 6 at entry dated 2/24/05. In addition he is charged with Malicious mischief in the Second Degree for “taking a blanket from his cell and flushing it down the toilet causing the entire jail and administrative offices to have a sewer back-up.” Id.

Mr. Dalluge’s Adams County charges were dismissed and refilled in district court as Criminal Trespass. Exhibit 6 at entry dated 3/23/05. On June 7, 2005, Mr. Dalluge was released from the Adams County Jail.

Exhibit 6 at entry dated 06/07/05. Mr. Dalluge failed to report to the CCO and a secretary's warrant was issued. Exhibit 6 at entries dated 06/14/05 and 06/15/05. Mr. Dalluge was arrested on June 23, 2005. Exhibit 6 at entry dated 06/24/05.

Subsequently, on July 5, 2005, Mr. Dalluge had a community custody hearing at the Grant County Jail and was found guilty of the following: (1) failing to report to the Department of Corrections on 10-26-04; (2) failing to report on 11-03-04; (3) leaving Grant County without permission on 11-9-04; and (4) failing to report on 6-6-05. Mr. Dalluge was sanctioned to 15 days confinement, to report after release and weekly for four weeks. Exhibit 7 at 1.

While in the Grant County Jail pending new charges, Mr. Dalluge was charged and found guilty of Assault in the Third Degree and Malicious Mischief in the First Degree/Possession of a Weapon by a Person Serving a Sentence in a Local Correctional Institution. Exhibit 2 and 4; Exhibit 7 at 2.

A community custody hearing was held on February 28, 2006. Exhibit 8, Community Custody Hearing Report, dated March 7, 2006 at 1. At that time, Mr. Dalluge had three felony charges pending. In Grant County he had pending charges for Possession of a Controlled Substance and Assault in the Second Degree, and in Adams County he had a pending

charge for Malicious Mischief in the Second Degree. Id. at 2. The DOC alleged that Mr. Dalluge committed the following violations: (1) failing to obey all laws by committing Malicious Mischief on or about 10/8/05; and (2) failing to obey all laws by committing an assault on a law enforcement officer on or about 10/9/05. Id. Mr. Dalluge pleaded not guilty to the violations. Id. He argued that because he was in jail, the DOC had no jurisdiction and he was in jail as a pre-trial detainee and, thus, not on supervision and his conditions to obey all laws did not apply. Id. at 3. The Hearing Officer found Mr. Dalluge guilty of the violations, sanctioning him to 60 days confinement with credit for time served since 2/28/06, report to DOC within 1 business day of release and weekly for 4 weeks. Id. at 4; Exhibit 9, Confinement Order, dated February 28, 2006. Exhibit 10, February 28, 2006, hearing transcript.

Mr. Dalluge apparently attempted to file an appeal of his sanction, however, the letter was never received by the DOC. Mr. Dalluge sent a copy of his appeal to the Hearing Officer who gave the appeal to the Hearings Unit Records staff. The Records staff questioned the reasons for the appeal as Mr. Dalluge referenced the Indeterminate Sentencing Review Board not having jurisdiction over his hearing. Exhibit 11, Letter from Corrections Records Manager to Mr. Dalluge, dated June 2, 2006; Exhibit 12, Hearing and Decision Appeal of February 28, 2006, hearing.

Mr. Dalluge did not respond to the letter and, therefore, the appeal was never considered by the Appeals Panel.¹

III. ISSUE PRESENTED

1. Should Mr. Dalluge's first claim, alleging that the DOC fails to treat all people equally, be dismissed as Mr. Dalluge simply makes a conclusory allegation of constitutional violation without any facts to support his argument?
2. Does the DOC have the authority to hold a community custody violation hearing when the violation arose while the offender was in pre-trial confinement in the jail and Mr. Dalluge's community custody status is tolled and inactive?
3. Is the DOC required to list a specific policy violated when it alleges and serves a notice of violation?

IV. STANDARD OF REVIEW

To obtain relief through a personal restraint petition, a petitioner must properly allege that he or she is subject to a "restraint", and that this restraint is "unlawful". RAP 16.4. Conclusory allegations of constitutional violations are insufficient to support a personal restraint petition. In re Cook, 114 Wn.2d 802, 813, 792 P.2d 506 (1990).

¹ Although Mr. Dalluge includes in his appendices, a Clarification of his appeal, dated June 5, 2006 (Petitioner's Appendix 9). If received, the documents would have been heard by the appeals panel. These documents were not found in his community custody hearing file. Mr. Dalluge also included as an appendix a Hearing and Appeal Memo, dated August 16, 2006 (Petitioner's Appendix 11) The August 16, 2006 document was allegedly sent just 2 days prior to the filing of the personal restraint petition and apparently written and sent on the same day as the personal restraint petition. As such, the Hearing and Appeal Memo would not be considered as the offender must file an appeal in a timely manner.

The petitioner must state in his petition the facts underlying the claim of unlawful restraint and the evidence supporting the factual allegations. In re Rice, 118 Wn.2d 876, 885-86, 828 P.2d 1086 (1992). If the petitioner's allegations are based on matters outside the existing record, he must demonstrate that he has competent admissible evidence to establish the facts that entitle him to relief. Rice, 118 Wn.2d at 886. If the petitioner's evidence is based on knowledge of others, he may not simply state what he thinks those others would say, but must present evidence showing that his factual allegations are based on more than speculation, conjecture, or inadmissible hearsay. Id.

VI. ARGUMENT

A. **MR. DALLUGES'S FIRST CLAIM THAT THE DOC VIOLATED HIS EQUAL PROTECTION RIGHTS SHOULD BE DISMISSED AS MR. DALLUGE PROVIDES SOLELY A CONCLUSORY ALLEGATION WITHOUT ANY EVIDENCE TO SUPPORT HIS CLAIM.**

Mr. Dalluge's first claim argues that the DOC discriminated against him by holding a community custody hearing for his actions in jail. He argues that "community custody is a safety net for the community from recidivists", that his community custody term was tolled and inactive, and the DOC did not have any jurisdiction outside of the community, and that he is "subjected to his community custody conditions at a probation officer's whim." Petition at 9-12.

While not clear, it appears that Mr. Dalluge is arguing that other offenders do not receive community custody hearings for violations of their community custody conditions while in jail. However, the petition fails to provide any specific factual allegations or legal authority to support a claim of unlawful restraint. The petition contains nothing but conclusory allegations. Mr. Dalluge also fails to provide any competent proof in support of his allegations. The allegations lack any evidentiary support and fail to demonstrate a basis for relief. Because Mr. Dalluge's presents solely a conclusory allegation without any factual basis or evidence in support, this Court should dismiss the claim.

B. THE DOC HAS THE AUTHORITY AND JURISDICTION TO HOLD A COMMUNITY CUSTODY OFFENDER ACCOUNTABLE FOR VIOLATIONS OF HIS COMMUNITY CUSTODY CONDITIONS WHILE HOUSED PRE-TRIAL IN A COUNTY JAIL.

Mr. Dalluge argues that his community custody term, and, thus, the requirement to follow his community custody conditions, was "tolled" and "inactive" when he was in the county jail. He argues that the DOC does not have the authority or jurisdiction to hold him accountable for his actions, resulting in felony convictions, at the jail as a pre-trial detainee.

While there is no case law on the issue of jurisdiction of the DOC to require offenders to follow their community custody conditions while in

jail, Mr. Dalluge's argument is without merit. Under Mr. Dalluge's argument, community custody offenders in the county jail for any reason, pre-trial or on sanction for violations, could not be held accountable for any violation of supervision conditions. Following this argument, offenders would, thus, not be held accountable for breaking DOC imposed no-contact conditions, or court ordered no contact conditions as well as possession/use of alcohol or controlled substances while in a county jail. Reading into the community custody statutes and statutes regarding imposition of community custody conditions that the supervision conditions only apply when the offender is "in the community" is not logical or reasonable. Nor does Mr. Dalluge's "tolling" or "inactive status" arguments warrant relief.

RCW 9.94A.625(3) provides:

Any term of community custody, community placement, or community supervision shall be tolled during any period of time the offender is in confinement for any reason. . . .

Thus, Mr. Dalluge's community custody was "tolled" during the period he was in the county jail. Tolling stops the time that a period of confinement or community custody is running. It is purely an administrative procedure to ensure that an offender serves the proper confinement or supervision period in accordance with the Judgment and Sentence. Basically, an offender may get credit for any time period only

once. So the offender does not get credit twice for any period that he is in jail for either sanctions or awaiting a hearing or trial. The concept of “tolling” does not in anyway affect supervision conditions. If so, then those offenders who have escaped or who failed to report would not be held accountable for violations of their community supervision. Such an interpretation makes no sense. Similarly, whether “active” or “inactive” status makes no difference to the fact that an offender is required to follow community custody conditions. A person’s case is “inactive” if they have been unavailable for supervision. In Mr. Dalluge’s case he was unavailable for supervision from November 11, 2004, until the time of the hearing on February 28, 2006, due to either incarceration or failing to report. Exhibit 8 at 3.

This Court should determine that Mr. Dalluge’s arguments are without merit.

C. THE DUE PROCESS CLAUSE DOES NOT REQUIRE THE DOC TO ALLEGE VIOLATIONS OF A SPECIFIC DOC POLICY.

Mr. Dalluge argues that the DOC is required to allege a policy number in its allegations of a violation. He asserts that DOC violations are vague and unclear and that Community Corrections Officers “broadly interpret Judgment and Sentences and add capriciously to them.” He also

asserts that, because of the above, he was unable to present a defense. Mr. Dalluge's argument is without merit.

On October 4, 2004, Mr. Dalluge signed the Conditions, Requirements, and Instructions for his community custody supervision. Exhibit 13, Conditions, Requirements, and Instructions, signed October 4, 2004. The form clearly states that all Offender Accountability Act offenders must obey all municipal, county, state, tribe, and federal laws. Mr. Dalluge was given a copy and had knowledge of this condition.

The Notice of Allegation stated that the violations alleged were (1) Failing to Obey all Laws by committing Malicious Mischief, on or about 10/9/05, and (2) Failing to obey all laws, by committing an assault on a law enforcement officer, on or about 10/9/05. Exhibit 14, Community Custody Notice of Allegations, Hearing, Rights and Waiver, signed 2/23/06. The notice provided all of the information needed by Mr. Dalluge to prepare a defense. Mr. Dalluge was also provided discovery of the Judgment and Sentences for his convictions on the above two allegations, the Report of Allegation, and the Conditions form, as well as the Judgment and Sentences ordering his community custody.

Mr. Dalluge prepared the same arguments presented in this petition at the hearing, that the DOC lacked jurisdiction and that his community

custody was tolled. See Exhibit 13. This Court should determine that Mr. Dalluge's claim is without merit.

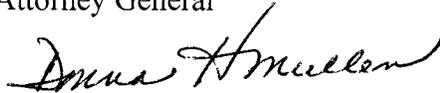
D. MR. DALLUGE CANNOT DEMONSTRATE ANY PREJUDICE AS THE SANCTION HAS BEEN ALREADY SERVED AND THE PETITION IS NOW MOOT.

Mr. Dalluge was sanctioned to 60 days confinement with credit for time served starting on February 28, 2006. Exhibit 8 at 4. Thus, the sanction was already served by April 29, 2006. As a result, this Court can provide no relief. The sanction ran concurrently with Mr. Dalluge's pre-trial confinement in a felony charge. Thus, the sanction did not additionally toll his community custody term because the community custody term was already being tolled due to pre-trial confinement. Mr. Dalluge can, thus, demonstrate no prejudice.

Because this Court can provide no relief to Mr. Dalluge, the petition should be dismissed with prejudice as moot.

RESPECTFULLY SUBMITTED this 26th day of October, 2006.

ROB MCKENNA
Attorney General



DONNA H. MULLEN, WSB# 23542
Assistant Attorney General
Criminal Justice Division
PO Box 40116
Olympia WA 98504-0116

CERTIFICATE OF SERVICE

I certify that I served a copy of the RESPONSE OF THE DEPARTMENT OF CORRECTIONS on all parties or their counsel of record as follows:

- US Mail Postage Prepaid
- United Parcel Service, Next Day Air
- ABC/Legal Messenger
- State Campus Delivery
- Hand delivered by _____

TO:

AMEL W. DALLUGE
C/O GRANT COUNTY JAIL
PO BOX 37
EPHRATA, WA 98837

AMEL W. DALLUGE
C/O SUSAN WICKS
550 CASTLE DRIVE
MOSES LAKE, WA 98837

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

EXECUTED this 26th day of October, 2006 at Olympia, WA.

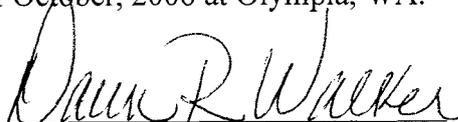

DAWN R. WALKER

EXHIBIT 1

FILED
 BY KENNETH O. KUNES, CLERK
 DEPUTY
 LISA POROZZO
 JUN 03 2003
 RECORDED IN _____
 VOLUME _____ PAGE _____



03-199948

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY

STATE OF WASHINGTON,	)	03-9-01157-8
	Plaintiff,	No. 02-1-00862-6
v.	)	JUDGMENT AND SENTENCE (JS)
AMEL WILLIAM DALLUGE,)	<input type="checkbox"/> Jail One Year or Less <input type="checkbox"/> RCW
	Defendant.)	9.94A.712 Prison Confinement
SID# WA18249736 DOB 5/22/80)	<input type="checkbox"/> Clerk's action required, para 4.1 & 5.8
AGENCY: DOC)	

I. HEARING

1.1 A sentencing hearing was held present were:
 Defendant: AMEL WILLIAM DALLUGE
 Defendant's Lawyer: RANDY W. SMITH
 (Deputy) Prosecuting Attorney: CAROLYN J. FAIR

II. FINDINGS

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

2.1 CURRENT OFFENSE(S): The defendant was found guilty on JUNE 2, 2003 by PLEA

COUNT	CRIME with RCW	CRIME DATE
1	ESCAPE FROM COMMUNITY CUSTODY, RCW 72.09.310 (CRIME CODE: UNK)	April 23, 2002

as charged in the Amended () Information.

- The court finds that the defendant is subject to sentencing under RCW 9.94A.712.
- A special verdict/finding for use of firearm was returned on Count(s) _ RCW 9.94A.609, .510
- A special verdict/finding for use of **deadly weapon other than a firearm** was returned on Count(s) _ RCW 9.94A.602, .510

JUDGMENT AND SENTENCE (JS) (Felony)
 (RCW 9.94A.500, .505)(WPF CR. 84.0400 (6/2002))

Page 1 of 15

Jail

EXHIBIT 1

- A special verdict/finding of **sexual motivation** was returned on Count(s) _ RCW 9.94A.835
- A special verdict/finding for **Violation of the Uniform Controlled Substances Act** was returned on Count(s) __, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine **when a juvenile was present in or upon the premises of manufacture** was returned on Count(s) . RCW 9.94A.605, RC W 69.500.401(a), RCW 69.50.440.
- The defendant was convicted of **vehicular homicide** which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030
- This case involves **kidnapping** in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- The court finds that the offender has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607
- The crime charged in Count(s) involve(s) **domestic violence**.
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.5890):

CURRENT OFFENSES ENCOMPASSING

- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

OTHER CURRENT OFFENSES USED IN CALCULATING OFFENDER SCORE

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J	TYPE OF
1	RAPE IN THE THIRD DEGREE	5/12/98	GRANT COUNTY, WA 97-1-00540-2	8/21/97	A	NVS
2	RAPE IN THE THIRD DEGREE BY COMPLICITY	5/12/98	GRANT COUNTY, WA 97-1-00540-2	8/21/97	A	NVS

3	BURGLARY SECOND DEGREE	4/7/98	GRANT COUNTY, WA 98-1-00030-1	between 11/7/97 & 11/8/97	A	NV
4	THEFT SECOND DEGREE	4/7/98	GRANT COUNTY, WA 98-1-00030-1	between 11/7/97 & 11/8/97	A	NV
5	THEFT SECOND DEGREE	11/26/96	GRANT COUNTY JUVENILE	8/30/96	J	NV

- The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525
- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

PRIOR CONVICTIONS ENCOMPASSING AND COUNTED AS ONE OFFENSE
CRIMES 3 & 4 ENCOMPASS

- The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

PRIOR CONVICTIONS COUNTED AS ENHANCEMENTS

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE(not including enhancements)	PLUS ENHANCEMENT *	Total STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	0	II	0 - 90 DAYS		0 - 90 DAYS	5 YRS

*(F) Firearm, (D) Other deadly weapons, (V)VUCSA in protected zone, (VH) Veh. Hom, See RCW 46.61.520. (JP) Juvenile Present

- 2.4 EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence
 above within below the standard range for Count(s) _____. Findings of fact and conclusions of law are attached in Appendix 2.4. The Prosecuting Attorney did did not recommend a similar sentence.

- 2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or

likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753
 The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are attached as follows: THE STATE RECOMMENDS CREDIT FOR TIME SERVED.

III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1.

3.2 The Court DISMISSES Counts
 The defendant is found NOT GUILTY of Counts

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court: JASS CODE

\$	Restitution to:	RTN/RJN	
\$	Restitution to:		
\$	Restitution to:		
	<small>(Name and Address—address may be withheld and provided confidentially to Clerk's Office).</small>		
\$500.00	Victim assessment		RCW 7.68.035
\$171.40	Court costs, including RCW 9.94A.760, 9.94A.505,		
		10.01.160	CRC
	Criminal filing fee	\$110.00	FRC
	Witness costs	\$	WFR
	Sheriff service fees	\$61.40	SFR/SFS/SFW/SRF
	Jury demand fee	\$	JFR
	Extradition costs	\$	EXT
	Other	\$	
\$	Fees for court appointed attorney		RCW 9.94A.760 PUB
\$	Court appointed defense expert and other defense costs		RCW 9.94A.760 WFR
\$	Fine RCW 9A.20.021 <input type="checkbox"/> VUCSA chapter 69.50 RCW, <input type="checkbox"/> VUCSA additional fine deferred due to indigency RCW 69.50.430		FCM/MTH
\$	Drug enforcement fund of		RCW 9.94A.760 CDF/LDI/PCD NTF/SAD/SDI
\$	Crime lab fee <input type="checkbox"/> suspended due to indigency RCW 43.43.690		CLF
\$	\$3,000 Meth/amphetamine Cleanup Fine		RCW 69.50.440
	or 69.50.401		
\$	Felony DNA collection fee <input type="checkbox"/> not imposed due to hardship RCW 43.43. (Ch. 289 L 2002 § 4)		MTH
\$	Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum)		RCW 38.52.430
\$	Other costs for:		
\$	TOTAL		RCW 9.94A.753

The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.142. A restitution hearing:

shall be set by the prosecutor

is scheduled for _____

RESTITUTION. Schedule attached

Restitution ordered above shall be paid jointly and severally (if adjudicated) with:

NAME of other defendant	CAUSE NO.	(VICTIM NAME)	(AMOUNT)
-------------------------	-----------	---------------	----------

R/N

The Department of Corrections (DOC) may immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602

All payments shall be made in accordance with the policies of the clerk and on a schedule established by DOC, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ _____ per month commencing _____ RCW 9.94A.760

In addition to the other costs imposed herein the Court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the statutory rate. RCW 9.94A.760

The defendant shall pay the costs of services to collect unpaid legal financial obligations. RCW 36.18.190

The financial obligations imposed in this judgment shall bear interest from the date of the Judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160

4.2 DNA TESTING. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754

HIV TESTING. The defendant shall submit to HIV testing. RCW 70.24.340

4.3 The defendant AMEL WILLIAM DALLUGE shall not have contact with _____ (name, DOB), including, but not limited to, personal, verbal, telephonic, written or contact through a third party for _____ years (not to exceed the maximum statutory sentence).

Domestic Violence Protection Order or Anti Harassment Order is filed with this Judgment and Sentence.

4.4 OTHER: The following firearm(s) shall be forfeited pursuant to RCW 9.41.098:

[]

4.5 JAIL ONE YEAR OR LESS. The defendant is sentenced as follows:

(a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the county jail:

90 days/months on Count 1 _____ days/months on Count _____
_____ days/months on Count _____ days/months on Count _____
_____ days/months on Count _____ days/months on Count _____

Actual number of days/months of total confinement ordered is: _____

All counts shall be served concurrently, except for the following which shall be served consecutively: _____

The sentence herein shall run consecutively with the sentence in cause number(s) _____

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.400

Confinement shall commence immediately unless otherwise set forth here:

Credit for time served

[] PARTIAL CONFINEMENT. Defendant may serve the sentence, if eligible and approved, in partial confinement in the following programs, subject to the following conditions:

[] work crew RCW 9.94A.725 [] home detention RCW 9.94A.731
[] work release RCW 9.94A.731

[] CONVERSION OF JAIL CONFINEMENT (Nonviolent and Nonsex Offenses). RCW 9.94A.680(3). The county jail is authorized to convert jail confinement to an available county supervised community option and may require the offender to perform affirmative conduct pursuant to RCW 9.94A.

[] ALTERNATIVE CONVERSION. RCW 9.94A.680. _____ days of total confinement ordered above are hereby converted to _____ hours of community restitution (8 hours = 1 day, nonviolent offenders only, 30 days maximum) under the supervision of the Department of Corrections (DOC) to be completed on a schedule established by the defendant's community corrections officer but not less than _____ hours per month

[] Alternatives to total confinement were not used because of:

[] criminal history [] failure to appear (finding required for nonviolent offenders only)
RCW 9.94A.680

(b) CONFINEMENT. RCW 9.94A.712: The defendant is sentenced to the following term of confinement in the custody of the DOC:

Count _____ minimum term _____ maximum term _____
Count _____ minimum term _____ maximum term _____

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: _____

4.6 COMMUNITY SUPERVISION CUSTODY. RCW 9.94A.505, .545
Defendant shall serve 12 months (up to 12 months) in community supervision or community custody.

COMMUNITY CUSTODY for count(s) _____, sentenced under RCW 9.94A.712, is ordered for any period of time the defendant is released from total confinement before the expiration of the maximum sentence.

Defendant shall report to the Department of Corrections, 229 FIRST NORTHWEST, EPHRATA, WASHINGTON, not later than 72 hours after release from custody; and the defendant shall perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC and shall comply with the instructions, rules and regulations of DOC for the conduct of the defendant during the period of community supervision or community custody and any other conditions of community supervision or community custody and any other conditions of community supervision or community custody stated in this Judgment and Sentence. The defendant shall:

- | | |
|--|---|
| <input checked="" type="checkbox"/> pay all court-ordered legal financial obligations | <input checked="" type="checkbox"/> remain within prescribed geographical boundaries specified by the community corrections officer: |
| <input type="checkbox"/> no contact with the victim(s) or family(ies) in this matter | <input type="checkbox"/> no contact with the witnesses involved in this matter |
| <input checked="" type="checkbox"/> notify the community corrections officer in advance of any change in defendant's address or employment | <input type="checkbox"/> undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range for that offense |
| <input type="checkbox"/> shall not use, possess or deliver any controlled substance, except by valid prescription. | <input type="checkbox"/> undergo certified DV batterers treatment for one year |
| <input type="checkbox"/> Moral Reconation Therapy | <input type="checkbox"/> Victim Awareness Education Program |
| | <input checked="" type="checkbox"/> report as directed to a community corrections officer |

Other conditions: _____

[] For sentences imposed under RCW 9.94A.589, other conditions may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than 7 working days.

The community supervision or community custody imposed by this order shall be served consecutively to any term of community supervision or community custody in any sentence imposed for any other offense, unless otherwise stated. The maximum length of community supervision or community custody pending at any given time shall not exceed 24 months, unless an exceptional sentence is imposed. RCW 9.94A.400
The conditions of community supervision or community custody shall begin immediately unless otherwise set forth here:

4.7 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections:

SENTENCE AND ORDER AS TO GROSS MISDEMEANOR

IT IS FURTHER ORDERED:

4.8 Defendant is sentenced by imprisonment in the Grant County jail

for a period of _____ days, with _____ days suspended for _____ on good behavior of the defendant as to Count .

for a period of _____ days, with _____ days suspended for _____ on good behavior of the defendant as to Count .

for a period of _____ days, with _____ days suspended for _____ on good behavior of the defendant as to Count .

the terms in counts _____ are concurrent/consecutive
 with each other with counts _____ sentenced herein
 with Cause No. _____

the terms in counts _____ are concurrent/consecutive
 with each other with counts _____ sentenced herein
 with Cause No. _____

the terms in counts _____ are concurrent/consecutive
 with each other with counts _____ sentenced herein
 with Cause No. _____

The defendant shall receive credit, against the sentence stated above, for early release time, if any, earned by the defendant pursuant to the policies of the Grant County jail.

GROSS MISDEMEANOR MONETARY ASSESSMENTS:

4.9 Defendant shall pay a fine of \$ _____, with \$ _____ suspended for _____ years.

4.10 CONDITIONS FOR SUSPENSION ON GROSS MISDEMEANOR(S):

SUPERVISION

Defendant shall be supervised by the Department of Corrections, Division of Community Corrections, for _____ months pursuant to the rules and regulations of the Department of Corrections, Division of Community Supervision. Defendant shall report to the Community Corrections Office at 229 First Avenue NW, Ephrata, Washington, immediately or upon release from custody.

(a) The offender shall not use, possess or deliver any controlled substance, except by valid prescription.

(b) Defendant shall not consume alcohol in Grant County, Washington.

(c) _____

(d) Defendant shall appear for review hearing as to the gross-misdemeanor(s) on _____

In the event of any violation of these conditions, all or any portion of the suspended portions of sentence may be imposed.

V. NOTICES AND SIGNATURES

5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this judgment and sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090

5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period of up to 10 years from the date of the sentence or release from confinement, which ever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed all on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5).

5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in paragraph 4.1, you are notified that the Department of Corrections may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606

5.4 RESTITUTION HEARING.

[] Defendant waives any right to be present at any restitution hearing (sign initials): _____

5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634

5.6 FIREARMS. You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification, to the Department of Licensing along with the date of conviction or commitment). RCW 9.41.040, 9.41.047

Cross off if not applicable:

5.7 SEX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.200. Because this crime involves a sex or kidnapping offense involving a minor as defined in RCW 9A.44.130 (e.g., kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW where the victim is a minor and you are not the minor's parent), you are required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.

If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within 30 days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry out a vocation in Washington, or attend school in Washington, you must register within 30 days after starting school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

If you change your residence within a county, you must send written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving, register with that sheriff within 24 hours of moving and you must give written notice of your change of address to the sheriff of the county where last registered within 10 days of moving. If you move out of Washington state, you must also send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington state.

If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier.

Even if you lack a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you do not have a residence at the time of your release from custody or within 14 days after ceasing to have a fixed residence. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report in person to the sheriff of the county where you are registered on a weekly basis if you have been classified as a risk level II or III, or on a monthly basis if you have been classified as a risk level I. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level.

If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or

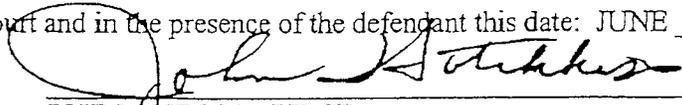
attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

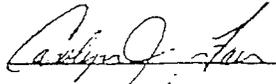
If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of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

5.8 [] The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The court clerk is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

5.9 OTHER: _____

DONE in Open Court and in the presence of the defendant this date: JUNE 3, 2003.


JOHN ANTOSZ, JUDGE


CAROLYN J. FAIR, WSBA#
23501 (Deputy) Prosecuting
Attorney

RANDY W. SMITH, WSBA#
29950 Attorney for Defendant

AMEL WILLIAM
DALLUGE, Defendant

Translator signature/Print name: _____

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the _____ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.

CAUSE NUMBER of this case: _____

02-1-00862-6

I, KENNETH O. KUNES, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action, now on record in this office:

WITNESS my hand and seal of the said Superior Court affixed this date: JUNE _____,
2003.

Clerk of said County and State, by: _____
Deputy Clerk

IDENTIFICATION OF DEFENDANT

SID No. WA18249736
 (If no SID take fingerprint card for State Patrol)

Date of Birth 5/22/80

FBI No. 355386DB0

Local ID No. 25358

PCN No. 925423181

Other

Alias name, SSN, DOB:

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

Ethnicity: Hispanic Non-Hispanic

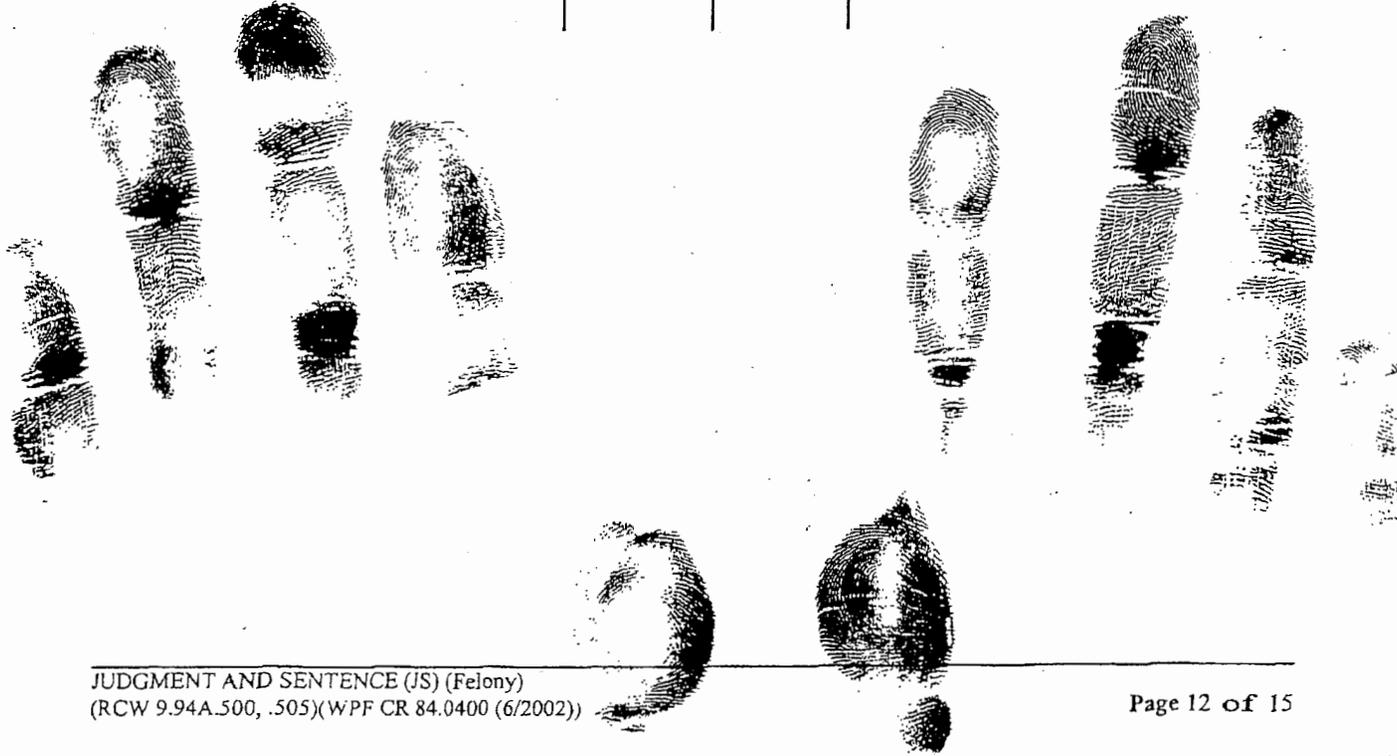
Sex: Male Female

FINGERPRINTS I attest that I saw the same defendant who appeared in Court on this document affix his or her fingerprints and signature thereto.

Clerk of the Court: Angie Davis
 Deputy Clerk. Dated: JUNE 3, 2003

DEFENDANT'S SIGNATURE: Samuel J. [Signature]

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



**ACKNOWLEDGMENT OF ADVICE OF RIGHT TO APPEAL
AND TIME LIMIT FOR FILING COLLATERAL ATTACK**

The court has entered the Judgment and Sentence to which this form is attached. The undersigned, counsel for the defendant or the defendant, and a qualified or certified interpreter (where applicable) acknowledge that the defendant has read or heard, and has acknowledged understanding, the following rights:

RIGHTS REGARDING APPEAL

If the defendant was convicted after trial and upon the defendant's plea of not guilty, or if the defendant was sentenced to a term outside the standard range for confinement, as provided in chapter 9.94A RCW:

1. The defendant has the right to appeal to the Court of Appeals.
2. Unless a notice of appeal is filed with the clerk of this court within thirty (30) days from the entry of the Judgment and Sentence, the right to appeal will be forever lost.
3. The defendant has the right to be represented by a lawyer for the purposes of appeal, including preparation and filing of the notice of appeal. If the defendant cannot afford to hire a lawyer, the court will appoint a lawyer to represent the defendant at public expense.
4. The defendant has the right to have those parts of the trial record necessary for appeal prepared at public expense if the defendant cannot afford to pay for such preparation.

TIME LIMITS FOR COLLATERAL ATTACK

5. No petition or motion for relief from the Judgment and Sentence may be filed after one (1) year has elapsed from the time the Judgment and Sentence becomes final.

The Judgment and Sentence becomes final on the last of the following dates:

- a. when it is filed with the clerk of this court;
 - b. after a direct appeal (see rights above), when an appellate court issues its mandate disposing of such appeal,
 - c. when the United States Supreme Court denies a timely petition for certiorari to review a decision upholding the defendant's conviction on appeal. Filing a motion to reconsider denial of certiorari does not prevent the Judgment and Sentence from becoming final.
6. The time limit stated above does not apply to a petition or motion based solely on one or more of the following grounds:
 - a. newly discovered evidence, if the defendant acted with due diligence in discovering the evidence and filing the petition or motion;
 - b. that the statute the defendant is convicted of violating was unconstitutional on its face or as applied to the defendant's conduct;
 - c. the conviction was barred by double jeopardy, under Amendment V to the United States Constitution or Article 1, Section 9 of the Washington State Constitution
 - d. the defendant pled not guilty and the evidence introduced at trial was insufficient to support the conviction;

- e. the sentence imposed was in excess of the court's jurisdiction;
- f. there has been a significant change in the law, whether substantive or procedural, which is material to the conviction, sentence or other order entered in a criminal or civil proceeding instituted by the state or local government, and either (1) the legislature has expressly provided that the change in the law is to be applied retroactively, or (2) a court, in interpreting a change in the law that lacks such an express legislative intent, determines that sufficient reasons exist to require retroactive application of the changed legal standard.

DEFENDANT'S ACKNOWLEDGMENT

I HAVE READ, OR HAVE HAD READ TO ME, THE FOREGOING STATEMENT; I UNDERSTAND THE RIGHTS ENUMERATED ABOVE AND ACKNOWLEDGE MY RECEIPT OF A COPY OF THESE RIGHTS.

Date: _____

DEFENDANT

DEFENSE COUNSEL'S CERTIFICATION

I CERTIFY, AS DEFENDANT'S COUNSEL OF RECORD, THAT THE DEFENDANT HAS READ, OR HAS HAD READ TO HIM/HER, AND HAS ACKNOWLEDGED TO ME HIS/HER UNDERSTANDING OF, THE FOREGOING STATEMENT.

Date: _____

DEFENSE COUNSEL

INTERPRETER'S CERTIFICATION

I AM CERTIFIED, OR HAVE BEEN FOUND BY THE COURT TO BE QUALIFIED, AS AN INTERPRETER IN THE _____ LANGUAGE, AND I HAVE TRANSLATED THE FOREGOING STATEMENT OF RIGHTS AND DEFENDANT'S ACKNOWLEDGMENT INTO THAT LANGUAGE TO THE DEFENDANT. THE DEFENDANT HAS ACKNOWLEDGED THAT HE/SHE UNDERSTANDS BOTH THE TRANSLATION AND THE SUBJECT MATTER OF THIS DOCUMENT. I CERTIFY, UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON, THAT THE FOREGOING IS TRUE AND CORRECT.

Date: _____

INTERPRETER

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY

STATE OF WASHINGTON,

Plaintiff,

v

AMEL WILLIAM DALLUGE,

Defendant.

No. 02-1-00862-6

JUDGMENT AND SENTENCE
(FELONY) - APPENDIX F
ADDITIONAL CONDITIONS
OF SENTENCE

RCW 9.9A.120 Sentences; #14: All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligations shall under the supervision of the Department of Corrections follow explicitly the instructions and conditions of the department. The Department may require the offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed.

(a) The instructions shall include, at a minimum:

- Reporting as required to a Community Corrections Officer;
- Remain within prescribed geographical boundaries;
- Notifying the Community Corrections Officer of any change in the offender's address or employment; and
- Pay the community supervision fee assessment.

CRIME-RELATED PROHIBITIONS:

DATE: _____

JUDGE GRANT COUNTY SUPERIOR COURT

APPENDIX F

EXHIBIT 2



03-294215

FILED
KENNETH O. KUNES, CLERK
BY TAMMY ALLEN DEPUTY
FEB 24 2004
RECORDED IN _____
VOLUME _____ PAGE _____

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY

STATE OF WASHINGTON,	)	No. 03-1-00986-8
)	
Plaintiff,	)	JUDGMENT AND SENTENCE (JS)
)	
v.)	<input checked="" type="checkbox"/> Prison [] RCW 9.94A.712 Prison
	)	Confinement
AMEL WILLIAM DALLUGE,)	
)	
Defendant.))	<input type="checkbox"/> Clerk's action required, para 4.1 & 5.8
SID# WA18249736; DOB 5/22/80	)	JUDGMENT #
AGENCY: MLPD 03-ML12559)	

I. HEARING

04-9-00281-0

1.1 A sentencing hearing was held present were:
 Defendant: AMEL WILLIAM DALLUGE
 Defendant's Lawyer: RYAN EARL
 (Deputy) Prosecuting Attorney: STEVE SCOTT

II. FINDINGS

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

2.1 CURRENT OFFENSE(S): The defendant was found guilty on JANUARY 15, 2004 by JURY TRIAL

COUNT	CRIME with RCW	CRIME DATE
1	VIOLATION OF UNIFORM CONTROLLED SUBSTANCE ACT, RCW 69.50.401(d) POSSESSION OF METHAMPHETAMINE, (CRIME CODE: 07351)	November 23, 2003

JAIL MF

EXHIBIT 2

as charged in the (Amended) _ Information.

- The court finds that the defendant is subject to sentencing under RCW 9.94A.712.
- A special verdict/finding for use of **firearm** was returned on Count(s) _ RCW 9.94A.609, .510
- A special verdict/finding for use of **deadly weapon other than a firearm** was returned on Count(s) _ RCW 9.94A.602, .510
- A special verdict/finding of **sexual motivation** was returned on Count(s) _ RCW 9.94A.835
- A special verdict/finding for **Violation of the Uniform Controlled Substances Act** was returned on Count(s) __, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine **when a juvenile was present in or upon the premises of manufacture** was returned on Count(s) . RCW 9.94A.605, RC W 69.500.401(a), RCW 69.50.440.
- The defendant was convicted of **vehicular homicide** which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030
- This case involves **kidnapping** in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130
- The court finds that the offender has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607
- The crime charged in Count(s) involve(s) **domestic violence**.
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):

CURRENT OFFENSES ENCOMPASSING

- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

OTHER CURRENT OFFENSES USED IN CALCULATING OFFENDER SCORE

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J	TYPE OF CRIME
1	THEFT SECOND DEGREE	11/26/96	GRANT COUNTY JUVENILE	8/30/96	J	NV
2	RAPE IN THE THIRD DEGREE	5/12/98	GRANT COUNTY, WA 97-1-00540-2	8/21/97	A	NVS
3	RAPE IN THE THIRD DEGREE BY COMPLICITY	5/12/98	GRANT COUNTY, WA 97-1-00540-2	8/21/97	A	NVS
4	BURGLARY SECOND DEGREE	4/7/98	GRANT COUNTY, WA 98-1-00030-1	between 11/7/97 & 11/8/97	A	NV
5	THEFT SECOND DEGREE	4/7/98	GRANT COUNTY, WA 98-1-00030-1	between 11/7/97 & 11/8/97	A	NV
6	ESCAPE FROM COMMUNITY CUSTODY, RCW 72.09.310 (CRIME CODE: UNK)	6/3/03	GRANT COUNTY, WA 02-1-00862-6	4/23/02	A	NV

- The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525
- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

PRIOR CONVICTIONS ENCOMPASSING
CRIMES 4 & 5 ENCOMPASS

- The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

PRIOR CONVICTIONS COUNTED AS ENHANCEMENTS

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE(not including enhancements)	PLUS ENHANCEMENT *	Total STANDARD RANGE (including enhancements)	MAXIMUM TERM
1	4	I	6+ TO 18 MONTHS		6+ TO 18 MONTHS	5 YRS

*(F) Firearm, (D) Other deadly weapons, (V)VUCSA in protected zone, (VH) Veh. Horn, See RCW 46.61.520, (JP) Juvenile .Present

2.4 EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence
 above within below the standard range for Count(s) _____. **Findings of fact and conclusions of law are attached in Appendix 2.4.** The Prosecuting Attorney did did not recommend a similar sentence.

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753
 The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are attached as follows: THE STATE RECOMMENDS HIGH END OF THE SENTENCING RANGE.

III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1.

3.2 The Court DISMISSES Counts
 The defendant is found NOT GUILTY of Counts

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court:

JASS CODE

\$	Restitution to:	RTN/RJN	
\$	Restitution to:		
\$	Restitution to:		
	<small>(Name and Address--address may be withheld and provided confidentially to Clerk's Office).</small>		
\$500.00	Victim assessment		RCW 7.68.035
\$	DNA Test Fee, RCW 43.43.754		
\$407.70	Court costs, including RCW 9.94A.760, 9.94A.505,		
		10.01.160	CRC
	Criminal filing fee	\$110.00	FRC
	Witness costs	\$	WFR
	Sheriff service fees	\$47.70	SFR/SFS/SFW/SRF
	Jury demand fee	\$250.00	JFR
	Extradition costs	\$	EXT
	Other	\$	
\$592 ³⁰	Fees for court appointed attorney		RCW 9.94A.760 PUB
\$	Court appointed defense expert and other defense costs		RCW 9.94A.760 WFR

\$ _____ Fine RCW 9A.20.021 [] VUCSA chapter 69.50 RCW, [] VUCSA additional fine
 deferred due to indigency RCW 69.50.430 FCM/MTH
 \$ _____ VUCSA additional fine [] deferred due to indigency RCW 69.50.430 FCM/MTH
 \$ _____ Drug enforcement fund of _____ RCW 9.94A.760 CDF/LD/FCD
 NTF/SAD/SDI
 \$100.00 Crime lab fee [] suspended due to indigency RCW 43.43.690 CLF
 \$ _____ \$3,000 Meth/amphetamine Cleanup Fine RCW 69.50.440
 or 69.50.401 MTH
 \$ 100 Felony DNA collection fee [] not imposed due to hardship RCW 43.43. (Ch. 289 L
 2002 § 4).
 \$ Emergency response costs (Vehicular Assault,
 Vehicular Homicide only, \$1000 maximum) RCW 38.52.430
 \$ _____ Other costs for: _____
 \$ 1,700 TOTAL RCW 9.94A.760

The above total does not include all restitution or other legal financial obligations, which may
 be set by later order of the court. An agreed restitution order may be entered. RCW
 9.94A.142. A restitution hearing:
 shall be set by the prosecutor
 is scheduled for _____
 RESTITUTION. Schedule attached.

Restitution ordered above shall be paid jointly and severally (if adjudicated) with:

NAME of other defendant	CAUSE NO.	(VICTIM NAME)	(AMOUNT)
			RJN

The Department of Corrections (DOC) may immediately issue a Notice of Payroll Deduction.
 RCW 9.94A.7602

All payments shall be made in accordance with the policies of the clerk and on a schedule established
 by DOC, commencing immediately, unless the court specifically sets forth the rate here: Not less than
 \$ _____ per month commencing _____ RCW 9.94A.760

In addition to the other costs imposed herein the Court finds that the defendant has the means
 to pay for the cost of incarceration and is ordered to pay such costs at the statutory rate. RCW
 9.94A.760

The defendant shall pay the costs of services to collect unpaid legal financial obligations.
 RCW 36.18.190

The financial obligations imposed in this judgment shall bear interest from the date of the

Judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160

4.2 DNA TESTING. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754

HIV TESTING. The defendant shall submit to HIV testing. RCW 70.24.340

4.3 The defendant AMEL WILLIAM DALLUGE shall not have contact with _____ (name, DOB), including, but not limited to, personal, verbal, telephonic, written or contact through a third party for _____ years (not to exceed the maximum statutory sentence).
 Domestic Violence Protection Order or Anti Harassment Order is filed with this Judgment and Sentence.

4.4 OTHER: _____

The following firearm(s) shall be forfeited pursuant to RCW 9.41.098: _____

4.5 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

(a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total

confinement in the custody of the Department of Corrections (DOC):

<u>12+</u>	months on Count	<u>1</u>	months on Count	_____
_____	months on Count	_____	months on Count	_____
_____	months on Count	_____	months on Count	_____

Actual number of months of total confinement ordered is: 12+
(Add mandatory firearm and deadly weapons enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm or other deadly weapon as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

The sentence herein shall run consecutively with the sentence in cause number(s) _____

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589

Confinement shall commence immediately unless otherwise set forth here: _____

(b) CONFINEMENT. RCW 9.94A.712: The defendant is sentenced to the following term of confinement in the custody of the DOC:

Count _____	minimum term _____	maximum term _____
Count _____	minimum term _____	maximum term _____

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: _____

4.6 COMMUNITY PLACEMENT is ordered as follows: Count _____ for _____ months; Count _____ for _____ months; Count _____ for _____ months;
 COMMUNITY CUSTODY for count(s) _____, sentenced under RCW 9.94A.712, is ordered for any period of time the defendant is released from total confinement before the expiration of the maximum sentence.

COMMUNITY CUSTODY is ordered as follows:

Count 1 for a range from 9 to 12 months;

Count _____ for a range from _____ to _____ months;

Count _____ for a range from _____ to _____ months;

or for a period of earned early release awarded pursuant to RCW 9.94A.728(1) and (2), which ever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding, Chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000 See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.]

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution; (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) not unlawfully possess controlled substances while in community custody; (5) pay supervision fees as determined by DOC; (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

The defendant shall not consume any alcohol.

Defendant shall have no contact with: _____

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

The defendant shall participate in the following crime related treatment or counseling services: _____

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

The defendant shall comply with the following crime-related prohibitions: _____

Other conditions: defendant shall pay all court-ordered legal financial obligations; _____

For sentences imposed under RCW 9.94A.712, other conditions may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by

DOC. Emergency conditions imposed by DOC shall not remain in effect longer than 7 working days.

4.7 [] **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections: _____

SENTENCE AND ORDER AS TO GROSS MISDEMEANOR - MISDEMEANOR

IT IS FURTHER ORDERED:

4.9 Defendant is sentenced by imprisonment in the Grant County jail

for a period of _____ days, with _____ days suspended for _____ on good behavior of the defendant as to Count . (SEE APPENDIX G)

for a period of _____ days, with _____ days suspended for _____ on good behavior of the defendant as to Count .

for a period of _____ days, with _____ days suspended for _____ on good behavior of the defendant as to Count .

the terms in counts _____ are concurrent/consecutive
[] with each other [] with counts _____ sentenced herein
[] with Cause No. _____

the terms in counts _____ are concurrent/consecutive
[] with each other [] with counts _____ sentenced herein
[] with Cause No. _____

the terms in counts _____ are concurrent/consecutive
[] with each other [] with counts _____ sentenced herein
[] with Cause No. _____

The defendant shall receive credit, against the sentence stated above, for early release time, if any, earned by the defendant pursuant to the policies of the Grant County jail.

GROSS MISDEMEANOR MONETARY ASSESSMENTS:

4.10 Defendant shall pay a fine of \$ _____, with \$ _____ suspended for _____ years.

4.11 CONDITIONS FOR SUSPENSION ON GROSS MISDEMEANOR(S):

SUPERVISION

Defendant shall be supervised by the Department of Corrections, Division of Community Corrections, for _____ months pursuant to the rules and regulations of the Department of Corrections, Division of Community Supervision. Defendant shall report to the Community Corrections Office at 229 First Avenue NW, Ephrata, Washington, immediately or upon release from custody.

(a) The offender shall not use, possess or deliver any controlled substance, except by valid prescription.

(b) Defendant shall not consume alcohol in Grant County, Washington.

(c) _____

(d) Defendant shall appear for review hearing as to the gross-misdemeanor(s) on _____

In the event of any violation of these conditions, all or any portion of the suspended portions of sentence may be imposed.

V. NOTICES AND SIGNATURES

5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this judgment and sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090

5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period of up to 10 years from the date of the sentence or release from confinement, which ever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed all on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5).

5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in paragraph 4.1, you are notified that the Department of Corrections may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606

5.4 **RESTITUTION HEARING.**

Defendant waives any right to be present at any restitution hearing (sign initials): _____

5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634

5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy

of the defendant's driver's license, identicard, or comparable identification, to the Department of Licensing along with the date of conviction or commitment). RCW 9.41.040, 9.41.047

Cross off if not applicable:

5.7 SEX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.200. Because this crime involves a sex or kidnapping offense involving a minor as defined in RCW 9A.44.130 (e.g., kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW where the victim is a minor and you are not the minor's parent), you are required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.

If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within 30 days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry out a vocation in Washington, or attend school in Washington, you must register within 30 days after starting school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

If you change your residence within a county, you must send written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving, register with that sheriff within 24 hours of moving and you must give written notice of your change of address to the sheriff of the county where last registered within 10 days of moving. If you move out of Washington state, you must also send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington state.

If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier.

Even if you lack a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you do not have a residence at the time of your release from custody or within 14 days after ceasing to have a fixed residence. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report in person to the sheriff of the county where you are registered on a weekly basis if you have been classified as a risk level II or III, or on a monthly basis if you have been classified as a risk level I. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level.

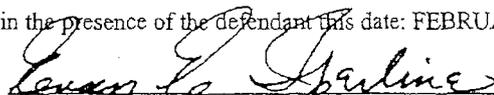
If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

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

5.8 [] The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The court clerk is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

5.9 OTHER: _____

DONE in Open Court and in the presence of the defendant this date: FEBRUARY 24, 2004.



EVAN E. SPERLINE, JUDGE

STEVE SCOTT, WSBA# 17506
(Deputy) Prosecuting Attorney

RYAN EARL, WSBA# 34007
Attorney for Defendant

AMEL WILLIAM DALLUGE,
Defendant

Translator signature/Print name: _____

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the _____ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.

CAUSE NUMBER of this case:

03-1-00986-8

I, KENNETH O. KUNES, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action, now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: FEBRUARY _____, 2004.
Clerk of said County and State, by: _____, Deputy Clerk

IDENTIFICATION OF DEFENDANT

SID No. WA18249736
(If no SID take fingerprint card for State Patrol)

Date of Birth 5/22/80

FBI No. 355386DB0

Local ID No. 25358

PCN No. 925475980

Other

Alias name, SSN, DOB:

Race:

Asian/Pacific
Islander

Black/African-
American

Caucasian

Ethnicity:

Hispanic

Sex:

Male

Native American

Other: _____

Non-
Hispanic

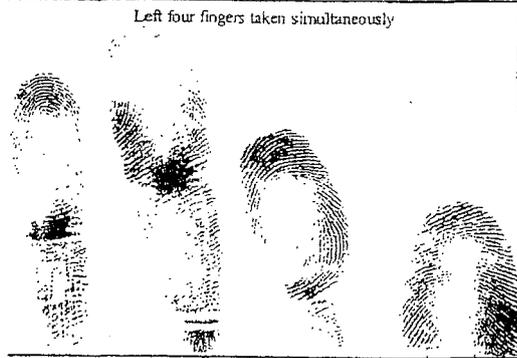
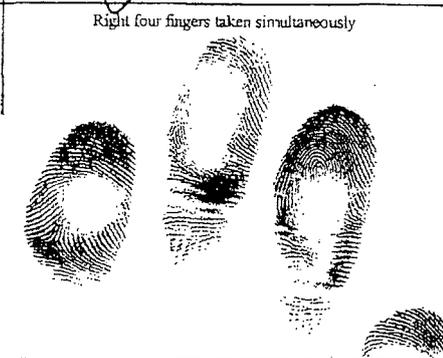
Female

FINGERPRINTS I attest that I saw the same defendant who appeared in Court on this document affix his or her fingerprints and signature thereto.

Clerk of the Court by: _____

Deputy Clerk. Dated: FEBRUARY 24, 2004

DEFENDANT'S SIGNATURE: _____

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

JUDGMENT AND SENTENCE (JS)(Prison)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (6/2002))

STATE OF WASHINGTON)
) ss. WARRANT OF COMMITMENT
 County of Grant)

THE STATE OF WASHINGTON, To the sheriff of Grant County and to the superintendent and officers in charge of the Washington State Correctional Institution at Shelton, Washington.

WHEREAS AMEL WILLIAM DALLUGE has been duly convicted in the Superior Court of the State of Washington, for said county, of the crime(s) of

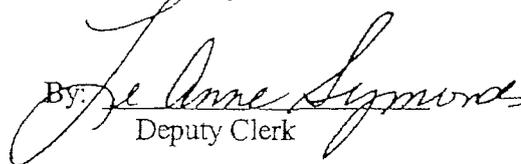
COUNT	CRIME with RCW	CRIME DATE
1	VIOLATION OF UNIFORM CONTROLLED SUBSTANCE ACT, RCW 69.50.401(d) POSSESSION OF METHAMPHETAMINE, (CRIME CODE: 07351)	November 23, 2003

and judgment has been pronounced against said defendant, and the Court having decreed that the defendant be punished by classification, confinement and placement in such correctional facility under the supervision of the Department of Corrections, Adult Corrections Division, as said department shall deem appropriate, pursuant to RCW 72.13.120, all of which appears of record.

NOW, THIS IS TO COMMAND YOU, The said sheriff, that you take and deliver the defendant to the proper officers of said institution; and this is to command you, the superintendent and officers in charge of said institution, to receive the said defendant and to confine said defendant at hard labor in said institution as provided by law for the aforesaid term and until such costs are paid, secured, or disposed of as by law provided, and these presents are your authority for the same, HEREIN FAIL NOT.

WITNESS THE HONORABLE EVAN E. SPERLINE, Judge of Grant County Superior Court, and the seal thereof, this 24 day of FEBRUARY, 2004.

KENNETH O. KUNES
 Clerk of the Superior Court

By: 
 Deputy Clerk

**ACKNOWLEDGMENT OF ADVICE OF RIGHT TO APPEAL
AND TIME LIMIT FOR FILING COLLATERAL ATTACK**

The court has entered the Judgment and Sentence to which this form is attached. The undersigned, counsel for the defendant or the defendant, and a qualified or certified interpreter'(where applicable) acknowledge that the defendant has read or heard, and has acknowledged understanding, the following rights:

RIGHTS REGARDING APPEAL

If the defendant was convicted after trial and upon the defendant's plea of not guilty, or if the defendant was sentenced to a term outside the standard range for confinement, as provided in chapter 9.94A RCW:

1. The defendant has the right to appeal to the Court of Appeals.
2. Unless a notice of appeal is filed with the clerk of this court within thirty (30) days from the entry of the Judgment and Sentence, the right to appeal will be forever lost.
3. The defendant has the right to be represented by a lawyer for the purposes of appeal, including preparation and filing of the notice of appeal. If the defendant cannot afford to hire a lawyer, the court will appoint a lawyer to represent the defendant at public expense.
4. The defendant has the right to have those parts of the trial record necessary for appeal prepared at public expense if the defendant cannot afford to pay for such preparation.

TIME LIMITS FOR COLLATERAL ATTACK

5. No petition or motion for relief from the Judgment and Sentence may be filed after one (1) year has elapsed from the time the Judgment and Sentence becomes final.

The Judgment and Sentence becomes final on the last of the following dates:

- a. when it is filed with the clerk of this court;
 - b. after a direct appeal (see rights above), when an appellate court issues its mandate disposing of such appeal,
 - c. when the United States Supreme Court denies a timely petition for certiorari to review a decision upholding the defendant's conviction on appeal. Filing a motion to reconsider denial of certiorari does not prevent the Judgment and Sentence from becoming final.
6. The time limit stated above does not apply to a petition or motion based solely on one or more of the following grounds:
 - a. newly discovered evidence, if the defendant acted with due diligence in discovering the evidence and filing the petition or motion;

- b. that the statute the defendant is convicted of violating was unconstitutional on its face or as applied to the defendant's conduct;
- c. the conviction was barred by double jeopardy, under Amendment V to the United States Constitution or Article 1, Section 9 of the Washington State Constitution
- d. the defendant pled not guilty and the evidence introduced at trial was insufficient to support the conviction;
- e. the sentence imposed was in excess of the court's jurisdiction;
- f. there has been a significant change in the law, whether substantive or procedural, which is material to the conviction, sentence or other order entered in a criminal or civil proceeding instituted by the state or local government, and either (1) the legislature has expressly provided that the change in the law is to be applied retroactively, or (2) a court, in interpreting a change in the law that lacks such an express legislative intent, determines that sufficient reasons exist to require retroactive application of the changed legal standard.

DEFENDANT'S ACKNOWLEDGMENT

I HAVE READ, OR HAVE HAD READ TO ME, THE FOREGOING STATEMENT; I UNDERSTAND THE RIGHTS ENUMERATED ABOVE AND ACKNOWLEDGE MY RECEIPT OF A COPY OF THESE RIGHTS.

Date: _____

_____ DEFENDANT

DEFENSE COUNSEL'S CERTIFICATION

I CERTIFY, AS DEFENDANT'S COUNSEL OF RECORD, THAT THE DEFENDANT HAS READ, OR HAS HAD READ TO HIM/HER, AND HAS ACKNOWLEDGED TO ME HIS/HER UNDERSTANDING OF, THE FOREGOING STATEMENT.

Date: _____

_____ DEFENSE COUNSEL

INTERPRETER'S CERTIFICATION

I AM CERTIFIED, OR HAVE BEEN FOUND BY THE COURT TO BE QUALIFIED, AS AN INTERPRETER IN THE _____ LANGUAGE, AND I HAVE TRANSLATED THE FOREGOING STATEMENT OF RIGHTS AND DEFENDANT'S ACKNOWLEDGMENT INTO THAT LANGUAGE TO THE DEFENDANT. THE DEFENDANT HAS ACKNOWLEDGED THAT HE/SHE UNDERSTANDS BOTH THE TRANSLATION AND THE SUBJECT MATTER OF THIS DOCUMENT. I CERTIFY, UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON, THAT THE FOREGOING IS TRUE AND CORRECT.

Date: _____

_____ INTERPRETER

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY

STATE OF WASHINGTON,)	
)	
Plaintiff,	)	No. 03-1-00986-8
)	
v	)	JUDGMENT AND SENTENCE
	)	(FELONY) - APPENDIX H
AMEL WILLIAM DALLUGE,	)	COMMUNITY PLACEMENT
)	
Defendant.)	

The court having found the defendant guilty of offense (s) qualifying for community placement, it is further ordered as set forth below:

4.5 COMMUNITY PLACEMENT: Defendant additionally is sentenced on convictions herein, for each sex offense and serious violent offense committed on or after July 1 1990 to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A. 150 (1) and (2) whichever is longer and on conviction herein for an offense categorized as a sex offense or serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.1254 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

Community Placement is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

a) Defendant shall comply with the following conditions during the term of community placement:

1. Report to, and be available for contact with the assigned community corrections officer as directed;
2. Work at Department of Corrections-approved education, employment, and/or community service;
3. Not consume controlled substances except pursuant to lawfully issued prescriptions;
4. While in community custody not unlawfully possess controlled substances;
5. Pay community placement fees as determined by the Department of Corrections
6. Receive prior approval for living arrangements and residence location; and
7. Defendant shall not own, use, or possess a firearm or ammunitions.

The following conditions listed under 4.5 (a) are hereby waived by the court:

b) Defendant shall comply with the following additional conditions during the term of community placement:

Date: _____

JUDGE GRANT COUNTY SUPERIOR COURT

EXHIBIT 3

IISO100

LEGAL FACE SHEET

TIME 08:06

DOC NO: 779283 NAME: DALLUGE, AMEL W. ("AF") STATUS: INACTIVE ***
BED NO: COUNSELOR:

CURRENT LOCATION:
SEX: M AGE: 26 FBI NO: 355386DB0
RACE : WHITE SID NO: 18249736
HISP ORIG : NO
HEALTH RECORD REVIEW : DONE

ARD : 09/17/2004
MXED: 12/30/2004 MNED:
ERD : 09/17/2004 ADJ.: 09/17/2004
NRD : SCORE: 40
CUS.: MED MFED: 03/25/2004
COMM. CONCERN: N RMI: RMB
VICTIM WRAP AROUND: N
VW ELIGIBLE:NO COMM.PLACEMENT: NO

NAMES: DALLUGE, AMEL W. ("AC")
DALLUGE, AMEL W. ("AD")
DALLUGE, AMEL W. (AKA)

LSI-R: 43 AND LSI LEVEL : HIGH
SSA NO. BIRTH:

P. PREL: INMATE REFUSES
P. MFED: NO ACTION TAKEN
P U L H E S D X T DATE
1 1 1 1 1 1 2 1 1 03/31/2004
P. WTR: N/A
P. REL: NO ACTION TAKEN
REGISTERABLE OFFENDER : Y

Table with columns: COM., COUNTY, GTL TIME START RECEIVED OC, MIN. TERM, CC CS, REL. DATE, STATUS. Includes rows for *AC*Y GRANT and offense details like RAPE 3.

TOTAL MONETARY OBLIGATION: ORDERED \$***2756.10 ;AS OF 10/19/04 PAID \$***1452.95
SCHEDULE: 30 MONTHLY SET BY: DOC SPECIAL CONDITIONS: YES
STAT MAX: 02/04/2003

Table with columns: *AD*Y GRANT, 33, 11/28/2000, 11/28/00, 43, 2Y 1M 0D, 03/28/2002, EX. Includes offense details like RAPE 3.

TOTAL MONETARY OBLIGATION: ORDERED \$***2756.10 ;AS OF 10/19/04 PAID \$***1222.95
SCHEDULE: 0 SET BY: SPECIAL CONDITIONS: YES
STAT MAX: 01/26/2005

Table with columns: #AF#N GRANT, 33, 03/25/2004, 03/25/04, 81, 1Y 0M 1D, 09/17/2004, EX. Includes offense details like DRUG POSSESSION.

TOTAL MONETARY OBLIGATION: ORDERED \$***1700.00 ;AS OF 10/25/06 PAID \$*****0.00
SCHEDULE: 10 MONTHLY SET BY: DOC SPECIAL CONDITIONS: YES
STAT MAX: 12/28/2008

IISO100

LEGAL FACE SHEET

TIME 08 : 06

DOC NO: 779283 NAME: DALLUGE, AMEL W. ("AF") STATUS: INACTIVE ***

DETAINER	TYPE	AUTHORITY	CHARGE(S)	CLOSED
06/08/00	WC	WACIC	CCM ESCAPE- MOSES LAKE	06/08/00
07/20/00	WC	WACIC	CCM ESCAPE- MOSES LAKE	09/30/00
05/17/02	WF	WACIC/NCIC	CCM FTR MOSES LAKE	07/21/02
09/16/02	WC	WACIC/NCIC	CC-CCM ESCAPE MOSES LAKE	09/23/02
12/10/02	WC	WACIC/NCIC	CC CCM ESCAPE MOSES LAKE	12/16/02
06/15/05	WF	WACIC/NCIC	CC CCP/CCJ FTR MOSES LK	06/24/05

COMMENTS: CP PACK SENT 8-31-98 ALLEN KIM NO CPS; REL. TO HOME W/NO
 CHILDREN PER ESRC/RS/LM/HC 11/18/98.
 05867 48 10/18/00 100

MOVEMENT	DATE & TYPE	DESTINATION	REASON FOR	ORIGIN
05/14/98	NEW COMMITMENT	WA COR CTR TC	INITIAL CLASSI.	GRANT
05/22/98	TRANSFERRED TO	WA COR CTR RC	PROGRAM CHANGE	WA COR CTR TC
08/06/98	TRANSFERRED TO	AIRWAY HEIGHTS	INITIAL CLASSI.	WA COR CTR RC
08/06/98	IN TRANSIT AT	WA COR CTR RC	INITIAL CLASSI.	WSP MED SEC CP
08/11/98	TRANSFERRED TO	AIRWAY HEIGHTS	INITIAL CLASSI.	WSP MED SEC CP
11/24/98	CC RELEASE	GRANT	CCI TRANSFER	AIRWAY HEIGHTS
11/28/00	READMISSION	WA COR CTR RC	INITIAL CLASSI.	GRANT
01/18/01	TRANSFERRED TO	STAFFORD CREEK	INITIAL CLASSI.	WA COR CTR RC
02/26/02	PRS RELEASE	GRANT	PRS RELEASE	STAFFORD CREEK
03/14/02	C.C. DETAINEE	COYOTE RIDGE C	CNTY BRDRS/EXCH	GRANT
03/28/02	REINST/TERM.INT	GRANT	CNTY BRDRS/EXCH	COYOTE RIDGE C
03/25/04	READMISSION	WA COR CTR RC	INITIAL CLASSI.	GRANT
05/13/04	TRANSFERRED TO	WSP MED SEC CP	INITIAL CLASSI.	WA COR CTR RC
09/17/04	CC RELEASE	GRANT	CCI TRANSFER	WSP MED SEC CP

HOUSING	DATE & LOCATION	COUNSELOR	WORK ASSIGN.	SUPERVISOR
05/14/98	H01-SC10L	POSITION BR97		
05/21/98	H01-SE11L	POSITION BR97		
05/22/98	C01-3E01U	POSITION BR97		
07/14/98	C01-5B15F	POSITION BR77		
07/16/98	C01-5B15U	POSITION BR77		
08/07/98	E02-BA3021	POSITION BK71	UNASSIGNED-WAIT	POSITION 1120
08/11/98	P01-NB24L			
08/12/98	P01-NB24L	POSITION 2930		
08/17/98	P01-NB24L	POSITION 2806		
09/30/98	P01-NB31U	POSITION 2806		
10/02/98	P01-NB24L	POSITION 2806		
10/09/98	P01-NB27U	POSITION 2806		
11/02/98	P01-NB24L	POSITION 2806		
11/28/00	C01-3F03L	POSITION BS97		

IISO100

LEGAL FACE SHEET

TIME 08:06

DOC NO: 779283 NAME: DALLUGE, AMEL W. ("AF") STATUS: INACTIVE ***

HOUSING DATE & LOCATION	COUNSELOR	WORK ASSIGN.	SUPERVISOR
12/15/00 C01-4G15L	POSITION GS93		
01/18/01 S01-H2051U	POSITION S228		
01/18/01 S01-GA17L	POSITION S228		
01/23/01 S01-H2051U	POSITION S360		
02/06/01 S01-H2077U	POSITION S360		
03/10/01 S01-GC05L	POSITION S360		
03/16/01 S01-H6106U	POSITION S360		
03/22/01 S01-H6055U	POSITION S227		
07/26/01 S01-H6055L	POSITION S227		
12/26/01 S01-H6035L	POSITION S227		
03/15/02 R01-SEG09A	POSITION 2485		
03/25/04 C01-4B04F			
03/26/04 C01-4B14U	POSITION BR78		
04/06/04 C01-6H06U	POSITION BS36		
05/13/04 E02-BA2092	POSITION BK71		
05/19/04 E02-S2A192	GRADWOHL, JON		

DATE	PROGRAM-POSITION	--WEEK--	-----DAY-----	---TIME---	STATUS
09/02/98	B099B049 BASIC SKILLS				RSH
10/16/98	V251A327 COMPUTER LITE	1 2 3 4	M W F	13:00-16:00	DRP
10/20/98	V251A421 COMPUTER LITE	1 2 3 4	T TH F	13:00-16:00	DRP
04/09/01	B415T118 JOB READ.JOB	1 2 3 4	T TH	13:00-15:00	TER
06/05/01	J326J198 CUSTODIAN I	1 2 3 4	SU M TH F S	18:00-21:00	RSH
06/05/01	J326J199 CUSTODIAN I	1 2 3 4	M T W TH F	14:00-21:00	RSH
11/14/01	J326J154 CUSTODIAN I	1 2 3 4	M T W TH F	22:00-06:00	DRP
04/23/04	J214016A FOOD SERVICE	1 2 3 4	SU M T F S	10:30-17:30	TRN

EARNED EARLY RELEASE DATE & TYPE	DOC	ISRB	STATUS	LOCATION
03/25/04--05/01/04 EARNED TIME	6.17	0.00	PENDING	WCCRC
AF	6.17	0.00		
05/01/04--09/17/04 EARNED TIME	23.17	0.00	PENDING	WCCRC
AF	23.05	0.00		

INFRACTION DATE & TYPE	CELL	DOC	ISRB	STATUS	SANCTIONS	LOCATION
07/01/98 606 POS.TOBACCO PROD	N	0	0	APPLIED	LOSE PRIV.	WCCRC
					10	
					2C SUSPEND	
					10	
					90	
07/01/98 660 POSSESS MONEY	N	0	0	APPLIED	LOSE PRIV.	WCCRC
					2C SUSPEND	

- * CELL SEARCH REVEALED BAG OF HAND-ROLLED CIGARETTES (45)/ALSO FOUND 58
- * POSTAGE STAMPS AND A STAMPED ENVELOPE/ADMITTED THEY WERE HIS

IISO100

LEGAL FACE SHEET

TIME 08:06

DOC NO: 779283 NAME: DALLUGE, AMEL W. ("AF") STATUS: INACTIVE ***

INFRACTION DATE & TYPE	CELL	DOC	ISRB	STATUS	SANCTIONS	LOCATION
01/18/02 558 STAFF INTERFER.	N	40	0	APPLIED	2L SUSPEND	SCCC
					90	
					90	
					CONFINEM'T	
					10	

- * AFTER CELL H6059 WAS SECURED DUR TO A TATTOO GUN BEING FOUND, P WAS
- * OBSERVED EXITING THE CELL AND THE TATTOO GUN WAS MISSING. *ON APPEAL
- * SANCTION MODIFIED TO SUSPEND LOSS OF GCT AS P RELEASED FROM CUSTODY. -BP
- * 03/11/02

CUSTODY DATE	SCORE	TYPE	ASSIGNED	CUSTODY	OVERRIDE	LOCATION
07/24/1998	46	INITIAL	07/28/1998	MINIMUM	POLICY	WA COR CTR RC
12/12/2000	51	INITIAL	12/29/2000	MINIMUM	POLICY	WA COR CTR RC
07/09/2001	67	REVIEW	08/06/2001	MINIMUM	PENDING	STAFFORD CREEK
01/03/2002	67	REVIEW	01/17/2002	MINIMUM	POLICY	STAFFORD CREEK
04/15/2004	40	INITIAL	04/30/2004	MEDIUM		WA COR CTR RC

IISUI005 NO OUT TIME FOUND

IISUI009 NO ISR BOARD INFO FOUND

IISUI015 NO HOLDS FOUND



FILED
 KENNETH O. KUNES, CLERK
 BY _____ DEPUTY
 JAN 10 2006
 RECORDED IN _____
 VOLUME _____ PAGE _____

JUDGMENT # 06-800053-8

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY

STATE OF WASHINGTON,	)	No. 05-1-00755-1
)	
Plaintiff,)	
	)	FELONY JUDGMENT AND
v.	)	SENTENCE (FJS)
)	
AMEL WILLIAM DALLUGE,)	<input checked="" type="checkbox"/> Prison <input type="checkbox"/> RCW 9.94A.712 Prison
	)	Confinement
Defendant,)	
SID# WA18249736; DOB)	
AGENCY: GCSO-J 05-GS12301)	<input type="checkbox"/> Clerk's action required, para 4.5
	)	SDOSA 4.1 & 5.8

I. HEARING

1.1 A sentencing hearing was held present were:
 Defendant: AMEL WILLIAM DALLUGE
 Defendant's Lawyer: RYAN EARL (Stand-by Counsel)
 (Deputy) Prosecuting Attorney: STEVE SCOTT

II. FINDINGS

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

2.1 CURRENT OFFENSE(S): The defendant was found guilty on DECEMBER 8, 2005 by TRIAL (joined with Grant County Cause No. 05-1-00754-3)

COUNT	CRIME with RCW	CRIME DATE
1	Assault in the Third Degree — Law Enforcement Officer — RCW 9A.36.031(1)(g)	October 9, 2005

EXHIBIT 4

as charged in the (Amended) Information.

- The court finds that the defendant is subject to sentencing under RCW 9.94A.712.
- A special verdict/finding for use of **firearm** was returned on Count(s) _ RCW 9.94A.609, .510
- A special verdict/finding for use of **deadly weapon other than a firearm** was returned on Count(s) _ RCW 9.94A.602, .510
- A special verdict/finding of **sexual motivation** was returned on Count(s) _ RCW 9.94A.835
- A special verdict/finding for **Violation of the Uniform Controlled Substances Act** was returned on Count(s) __, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, **when a juvenile was present in or upon the premises of manufacture** was returned on Count(s) . RCW 9.94A.605, RC W 69.500.401(a), RCW 69.50.440.
- The defendant was convicted of **vehicular homicide** which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030
- This case involves **kidnapping** in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130
- The court finds that the offender has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607
- The crime charged in Count(s) involve(s) **domestic violence**.
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):

CURRENT OFFENSES ENCOMPASSING

- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

OTHER CURRENT OFFENSES USED IN CALCULATING OFFENDER SCORE	
COUNT 1:	Malicious Mischief in the First Degree — Physical Damage in Excess of \$1,500 — RCW 9A.48.070(1)(a)
COUNT 2:	Possession of a Weapon by a Person Serving a Sentence in a Local Correctional Institution — RCW 9.94.040(2)
(GRANT COUNTY CAUSE NO. 05-1-00754-3)	

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J	TYPE OF CRIME
1	THEFT SECOND DEGREE	11/26/96	GRANT COUNTY JUVENILE	8/30/96	J	NV
2	RAPE IN THE THIRD DEGREE	5/12/98	GRANT COUNTY, WA 97-1-00540-2	8/21/97	A	NVS
3	RAPE IN THE THIRD DEGREE BY COMPLICITY	5/12/98	GRANT COUNTY, WA 97-1-00540-2	8/21/97	A	NVS
4	BURGLARY SECOND DEGREE	4/7/98	GRANT COUNTY, WA 98-1-00030-1	between 11/7/97 & 11/8/97	A	NV
5	THEFT SECOND DEGREE	4/7/98	GRANT COUNTY, WA 98-1-00030-1	between 11/7/97 & 11/8/97	A	NV
6	ESCAPE FROM COMMUNITY CUSTODY, RCW 72.09.310 (CRIME CODE: UNK)	6/3/03	GRANT COUNTY, WA 02-1-00862-6	4/23/02	A	NV
7	VUCSA, RCW 69.50.401(d) POSSESSION OF METHAMPHETAMINE,	2/24/04	GRANT COUNTY, WA 03-1-00986-8	11/23/03	A	NV

- The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525
- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

PRIOR CONVICTIONS ENCOMPASSING
CRIMES 4 & 5

- The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

PRIOR CONVICTIONS COUNTED AS ENHANCEMENTS

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE(not including enhancements)	PLUS ENHANCEMENT *	Total STANDARD RANGE (including enhancements)	MAXIMUM TERM
1	7	III	33 - 43 MONTHS		33 - 43 MONTHS	5 YRS

*(F) Firearm, (D) Other deadly weapons, (V)VUCSA in protected zone, (VH) Veh. Hom, See RCW 46.61.520, (JP) Juvenile .Present

2.4 EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence
 within below the standard range for Count(s) _____, above the standard range for Count(s)
 The defendant and state stipulate that the justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.
 Aggravating factors were stipulated by the defendant, found by the court after the defendant waived jury trial found by jury by special interrogatory
Findings of fact and conclusions of law are attached in Appendix 2.4. Jury's special interrogatory is attached. The Prosecuting Attorney did did not recommend a similar sentence.

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753
 The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are attached as follows: THE STATE RESERVES RECOMMENDATION AS TO JAIL TIME BUT DOES RECOMMEND THAT THE DEFENDANT PAY RESTITUTION.

III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1.

3.2 The Court DISMISSES Counts

The defendant is found NOT GUILTY of Counts

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court:

JASS CODE

\$ Restitution to: RTN/RJN

\$ Restitution to:

\$ Restitution to:

(Name and Address--address may be withheld and provided confidentially to Clerk's Office).

\$500.00 Victim assessment RCW 7.68.035

\$ Domestic Violence assessment RCW 19.99.080

\$ DNA Test Fee, RCW 43.43.754

\$700.00 Court costs, including RCW 9.94A.760, 9.94A.505,

10.01.160

CRC

Criminal filing fee \$110.00 prior to July 25, 2005,

\$200.00 after July 25, 2005.

FRC

Witness costs \$

\$

WFR

Sheriff service fees \$500.00

SFR/SFS/SPW/SRF

Jury demand fee \$

\$

JFR

Extradition costs \$

\$

EXT

Other \$

\$

\$ Fees for court appointed attorney RCW 9.94A.760

PUB

\$ Court appointed defense expert and other defense costs RCW 9.94A.760

WFR

\$ Fine RCW 9A.20.021 VUCSA chapter 69.50 RCW, VUCSA additional fine deferred due to indigency RCW 69.50.430

FCM/MTH

\$ VUCSA additional fine deferred due to indigency RCW 69.50.430

FCM/MTH

\$ Drug enforcement fund of _____

CDF/LDI/FCD

RCW 9.94A.760

NTF/SAD/SDI

\$ Crime lab fee suspended due to indigency RCW 43.43.690

CLF

\$ \$3,000 Meth/amphetamine Cleanup Fine RCW 69.50.440

or 69.50.401

MTH

\$ Felony DNA collection fee not imposed due to hardship RCW 43.43. (Ch. 289 L 2002 § 4).

\$ Emergency response costs (Vehicular Assault,

Vehicular Homicide only, \$1000 maximum)

RCW 38.52.430

\$ Other costs for: _____

\$ 1200 TOTAL

RCW 9.94A.760

The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.142. A restitution hearing:

shall be set by the prosecutor

is scheduled for _____

RESTITUTION. Schedule attached.

Restitution ordered above shall be paid jointly and severally (if adjudicated) with:

NAME of other defendant	CAUSE NO.	(VICTIM NAME)	(AMOUNT)
			RJN

The Department of Corrections (DOC) may immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602

All payments shall be made in accordance with the policies of the clerk and on a schedule established by DOC, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ 35 per month commencing upon release. RCW 9.94A.760

In addition to the other costs imposed herein the Court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay for the costs of incarceration and is ordered to pay such costs at the rate of \$50.00 per day, unless another rate is specified here: . (JLR) RCW 9.94A.760.

The defendant shall pay the costs of services to collect unpaid legal financial obligations. RCW 36.18.190

The financial obligations imposed in this judgment shall bear interest from the date of the Judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160

4.2 DNA TESTING. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754

HIV TESTING. The defendant shall submit to HIV testing. RCW 70.24.340

4.3 The defendant AMEL WILLIAM DALLUGE shall not have contact with _____ (name, DOB), including, but not limited to, personal, verbal, telephonic, written or contact through a third party for _____ years (not to exceed the maximum statutory sentence).

Domestic Violence Protection Order or Anti Harassment Order is filed with this Judgment and Sentence.

4.4 OTHER: _____

The following firearm(s) shall be forfeited pursuant to RCW 9.41.098: _____

4.5 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

(a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

<u>35</u> months on Count	#1	_____ months on Count	_____
_____ months on Count	_____	_____ months on Count	_____
_____ months on Count	_____	_____ months on Count	_____

Actual number of months of total confinement ordered is: _____
(Add mandatory firearm and deadly weapons enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

All counts shall be served concurrently, except for the portion of those counts for which there

is a special finding of a firearm or other deadly weapon as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

The sentence herein shall run consecutively with the sentence in cause number(s) _____

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589

Confinement shall commence immediately unless otherwise set forth here: _____

(b) CONFINEMENT. RCW 9.94A.712: The defendant is sentenced to the following term of confinement in the custody of the DOC:

Count _____ minimum term _____ maximum term _____
Count _____ minimum term _____ maximum term _____

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court:

4.6 COMMUNITY PLACEMENT is ordered as follows: Count _____ for _____ months; Count _____ for _____ months; Count _____ for _____ months;

COMMUNITY CUSTODY for count(s) _____, sentenced under RCW 9.94A.712, is ordered for any period of time the defendant is released from total confinement before the expiration of the maximum sentence.

COMMUNITY CUSTODY is ordered as follows:

Count 1 for a range from 9 to 18 months;
Count _____ for a range from _____ to _____ months;
Count _____ for a range from _____ to _____ months;

or for a period of earned early release awarded pursuant to RCW 9.94A.728(1) and (2), which ever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding, Chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000 See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.]

On or after July, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

- a) the defendant committed a current or prior:
 - i) Sex offense ii) Violent Offense iii) Crime against a person (RCW 9.94A.411)
 - iv) Domestic Violence offense (RCW 10.99.020) v) Residential Burglary offense
 - vi) Offense for Manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers vii) Offense for delivery of a controlled to a minor, or attempt, solicitation or conspiracy vi, vii)
- b) the conditions of community placement or community custody include chemical dependency treatment.
- c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution; (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) not unlawfully possess controlled substances while in community custody; (5) pay supervision fees as determined by DOC; (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

- The defendant shall not consume any alcohol.
- Defendant shall have no contact with: _____
- Defendant shall remain within outside of a specified geographical boundary, to wit: _____

- Defendant shall not reside in a community protection zone (withing 880 feet of the facilities or ground of a public or private school). (RCW 9.94A.030(8).
- The defendant shall participate in the following crime related treatment or counseling services: _____

- The defendant shall undergo an evaluation for treatment for domestic violence substance abuse mental health anger management and fully comply with all recommended treatment.
- The defendant shall comply with the following crime-related prohibitions: _____

Other conditions: defendant shall pay all court-ordered legal financial obligations; _____

- For sentences imposed under RCW 9.94A.712, other conditions may be imposed during _____

community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than 7 working days.

4.7 [] **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections: _____

SENTENCE AND ORDER AS TO GROSS MISDEMEANOR - MISDEMEANOR

IT IS FURTHER ORDERED:

4.9 Defendant is sentenced by imprisonment in the Grant County jail

for a period of _____ days, with _____ days suspended for _____ on good behavior of the defendant as to Count . (SEE APPENDIX G, if applicable)

for a period of _____ days, with _____ days suspended for _____ on good behavior of the defendant as to Count .

for a period of _____ days, with _____ days suspended for _____ on good behavior of the defendant as to Count .

the terms in counts _____ are concurrent/consecutive
[] with each other [] with counts _____ sentenced herein
[] with Cause No. _____

the terms in counts _____ are concurrent/consecutive
[] with each other [] with counts _____ sentenced herein
[] with Cause No. _____

the terms in counts _____ are concurrent/consecutive
[] with each other [] with counts _____ sentenced herein
[] with Cause No. _____

The defendant shall receive credit, against the sentence stated above, for early release time, if any, earned by the defendant pursuant to the policies of the Grant County jail.

GROSS MISDEMEANOR MONETARY ASSESSMENTS:

4.10 Defendant shall pay a fine of \$ _____, with \$ _____ suspended for _____ years.

4.11 CONDITIONS FOR SUSPENSION ON GROSS MISDEMEANOR(S):

SUPERVISION

Defendant shall be supervised by the Department of Corrections, Division of Community Corrections, for _____ months pursuant to the rules and regulations of the Department of Corrections, Division of Community Supervision. Defendant shall report to the Community Corrections Office at 229 First Avenue NW, Ephrata, Washington, immediately or upon release from custody.

The offender shall not use, possess or deliver any controlled substance, except by valid prescription.

Defendant shall not consume alcohol in Grant County, Washington.

Defendant shall appear for review hearing as to the gross-misdemeanor(s) on _____.

In the event of any violation of these conditions, all or any portion of the suspended portions of sentence may be imposed.

V. NOTICES AND SIGNATURES

5.1 COLLATERAL ATTACK ON JUDGMENT. Any petition or motion for collateral attack on this judgment and sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090

5.2 LENGTH OF SUPERVISION. For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period of up to 10 years from the date of the sentence or release from confinement, which ever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed all on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5).

5.3 NOTICE OF INCOME-WITHHOLDING ACTION. If the court has not ordered an immediate notice of payroll deduction in paragraph 4.1, you are notified that the Department of Corrections may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606

5.4 RESTITUTION HEARING.

[] Defendant waives any right to be present at any restitution hearing (sign initials): _____

5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634

5.6 FIREARMS. You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification, to the Department of Licensing along with the date of conviction or commitment). RCW 9.41.040, 9.41.047

Cross off if not applicable:

5.7 SEX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.200. Because this crime involves a sex or kidnapping offense involving a minor as defined in RCW 9A.44.130 (e.g., kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW where the victim is a minor and you are not the minor's parent), you are required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.

If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within 30 days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry out a vocation in Washington, or attend school in Washington, you must register within 30 days after starting school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

If you change your residence within a county, you must send written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving, register with that sheriff within 24 hours of moving and you must give written notice of your change of address to the sheriff of the county where last registered within 10 days of

moving. If you move out of Washington state, you must also send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington state.

If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier.

Even if you lack a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you do not have a residence at the time of your release from custody or within 14 days after ceasing to have a fixed residence. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report in person to the sheriff of the county where you are registered on a weekly basis if you have been classified as a risk level II or III, or on a monthly basis if you have been classified as a risk level I. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level.

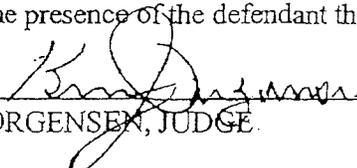
If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

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

5.8 [] The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The court clerk is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

5.9 OTHER: _____

DONE in Open Court and in the presence of the defendant this date: ^{January} ~~DECEMBER~~ 10, 2006



KEN JORGENSEN, JUDGE

STEVE SCOTT, WSBA# 17506
(Deputy) Prosecuting Attorney

RYAN EARL (Stand-by
Counsel), WSBA# 34007
Attorney for Defendant

AMEL WILLIAM DALLUGE,
Defendant

VOTING RIGHTS STATEMENT: RCW10.64. I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Translator signature/Print name: _____

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the _____ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.

Translator signature/Print name: _____

CAUSE NUMBER of this case:

05-1-00755-1

I, KENNETH O. KUNES, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action, now on record in this office.

WITNESS my hand and seal of the said Superior Court, affixed this date: DECEMBER, 2005.
Clerk of said County and State, by: _____ Deputy Clerk

IDENTIFICATION OF DEFENDANT

SID No. WA18249736
(If no SID take fingerprint card for State Patrol)

Date of Birth _____

FBI No. 355386DB0

Local ID No. 25358

PCN No. UNK

Other _____

Alias name, SSN, DOB:

Race:

Asian/Pacific
Islander

Black/African-
American

Caucasian

Ethnicity:

Hispanic

Sex:

Male

Native American

Other: _____

Non-
Hispanic

Female

FINGERPRINTS I attest that I saw the same defendant who appeared in Court on this document affix his or her fingerprints and signature thereto.

Clerk of the Court by: _____

Deputy Clerk. Dated: DECEMBER, 2005

DEFENDANT'S SIGNATURE: _____

[Handwritten Signature]
[Handwritten Signature] Jan 10, 06

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



STATE OF WASHINGTON)
) ss. WARRANT OF COMMITMENT
 County of Grant)

THE STATE OF WASHINGTON, To the sheriff of Grant County and to the superintendent and officers in charge of the Washington State Correctional Institution at Shelton, Washington.

WHEREAS AMEL WILLIAM DALLUGE has been duly convicted in the Superior Court of the State of Washington, for said county, of the crime(s) of

COUNT	CRIME with RCW	CRIME DATE
1	Assault in the Third Degree — Law Enforcement Officer — RCW 9A.36.031(1)(g)	October 9, 2005

and judgment has been pronounced against said defendant, and the Court having decreed that the defendant be punished by classification, confinement and placement in such correctional facility under the supervision of the Department of Corrections, Adult Corrections Division, as said department shall deem appropriate, pursuant to RCW 72.13.120, all of which appears of record.

NOW, THIS IS TO COMMAND YOU, The said sheriff, that you take and deliver the defendant to the proper officers of said institution; and this is to command you, the superintendent and officers in charge of said institution, to receive the said defendant and to confine said defendant at hard labor in said institution as provided by law for the aforesaid term and until such costs are paid, secured, or disposed of as by law provided, and these presents are your authority for the same, HEREIN FAIL NOT.

WITNESS THE HONORABLE KEN JORGENSEN, Judge of Grant County Superior Court, and the seal thereof, this 10 day of ~~DECEMBER~~, 2005.

Ken Jorgensen
 KENNETH O. KUNES
 Clerk of the Superior Court

By: *Stan Green*
 Deputy Clerk

**ACKNOWLEDGMENT OF ADVICE OF RIGHT TO APPEAL
AND TIME LIMIT FOR FILING COLLATERAL ATTACK**

The court has entered the Judgment and Sentence to which this form is attached. The undersigned, counsel for the defendant or the defendant, and a qualified or certified interpreter (where applicable) acknowledge that the defendant has read or heard, and has acknowledged understanding, the following rights:

RIGHTS REGARDING APPEAL

If the defendant was convicted after trial and upon the defendant's plea of not guilty, or if the defendant was sentenced to a term outside the standard range for confinement, as provided in chapter 9.94A RCW:

1. The defendant has the right to appeal to the Court of Appeals.
2. Unless a notice of appeal is filed with the clerk of this court within thirty (30) days from the entry of the Judgment and Sentence, the right to appeal will be forever lost.
3. The defendant has the right to be represented by a lawyer for the purposes of appeal, including preparation and filing of the notice of appeal. If the defendant cannot afford to hire a lawyer, the court will appoint a lawyer to represent the defendant at public expense.
4. The defendant has the right to have those parts of the trial record necessary for appeal prepared at public expense if the defendant cannot afford to pay for such preparation.

TIME LIMITS FOR COLLATERAL ATTACK

5. No petition or motion for relief from the Judgment and Sentence may be filed after one (1) year has elapsed from the time the Judgment and Sentence becomes final.

The Judgment and Sentence becomes final on the last of the following dates:

- a. when it is filed with the clerk of this court;
 - b. after a direct appeal (see rights above), when an appellate court issues its mandate disposing of such appeal,
 - c. when the United States Supreme Court denies a timely petition for certiorari to review a decision upholding the defendant's conviction on appeal. Filing a motion to reconsider denial of certiorari does not prevent the Judgment and Sentence from becoming final.
6. The time limit stated above does not apply to a petition or motion based solely on one or more of the following grounds:
 - a. newly discovered evidence, if the defendant acted with due diligence in discovering the evidence and filing the petition or motion;

- b. that the statute the defendant is convicted of violating was unconstitutional on its face or as applied to the defendant's conduct;
- c. the conviction was barred by double jeopardy, under Amendment V to the United States Constitution or Article 1, Section 9 of the Washington State Constitution
- d. the defendant pled not guilty and the evidence introduced at trial was insufficient to support the conviction;
- e. the sentence imposed was in excess of the court's jurisdiction;
- f. there has been a significant change in the law, whether substantive or procedural, which is material to the conviction, sentence or other order entered in a criminal or civil proceeding instituted by the state or local government, and either (1) the legislature has expressly provided that the change in the law is to be applied retroactively, or (2) a court, in interpreting a change in the law that lacks such an express legislative intent, determines that sufficient reasons exist to require retroactive application of the changed legal standard.

DEFENDANT'S ACKNOWLEDGMENT

I HAVE READ, OR HAVE HAD READ TO ME, THE FOREGOING STATEMENT; I UNDERSTAND THE RIGHTS ENUMERATED ABOVE AND ACKNOWLEDGE MY RECEIPT OF A COPY OF THESE RIGHTS.

Date: _____

_____ DEFENDANT

DEFENSE COUNSEL'S CERTIFICATION

I CERTIFY, AS DEFENDANT'S COUNSEL OF RECORD, THAT THE DEFENDANT HAS READ, OR HAS HAD READ TO HIM/HER, AND HAS ACKNOWLEDGED TO ME HIS/HER UNDERSTANDING OF, THE FOREGOING STATEMENT.

Date: _____

_____ DEFENSE COUNSEL

INTERPRETER'S CERTIFICATION

I AM CERTIFIED, OR HAVE BEEN FOUND BY THE COURT TO BE QUALIFIED, AS AN INTERPRETER IN THE _____ LANGUAGE, AND I HAVE TRANSLATED THE FOREGOING STATEMENT OF RIGHTS AND DEFENDANT'S ACKNOWLEDGMENT INTO THAT LANGUAGE TO THE DEFENDANT. THE DEFENDANT HAS ACKNOWLEDGED THAT HE/SHE UNDERSTANDS BOTH THE TRANSLATION AND THE SUBJECT MATTER OF THIS DOCUMENT. I CERTIFY, UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON, THAT THE FOREGOING IS TRUE AND CORRECT.

Date: _____

_____ INTERPRETER

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY

STATE OF WASHINGTON,)	
)	
Plaintiff,	)	No. 05-1-00755-1
)	
v	)	JUDGMENT AND SENTENCE
	)	(FELONY) - APPENDIX H
AMEL WILLIAM DALLUGE,	)	COMMUNITY PLACEMENT
)	
Defendant.)	

The court having found the defendant guilty of offense (s) qualifying for community placement, it is further ordered as set forth below:

4.5 COMMUNITY PLACEMENT: Defendant additionally is sentenced on convictions herein, for each sex offense and serious violent offense committed on or after July 1 1990 to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A. 150 (1) and (2) whichever is longer and on conviction herein for an offense categorized as a sex offense or serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.1254 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

Community Placement is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

a) Defendant shall comply with the following conditions during the term of community placement:

1. Report to, and be available for contact with the assigned community corrections officer as directed;
2. Work at Department of Corrections-approved education, employment, and/or community service;
3. Not consume controlled substances except pursuant to lawfully issued prescriptions;
4. While in community custody not unlawfully possess controlled substances;
5. Pay community placement fees as determined by the Department of Corrections
6. Receive prior approval for living arrangements and residence location; and
7. Defendant shall not own, use, or possess a firearm or ammunitions.

The following conditions listed under 4.5 (a) are hereby waived by the court:

b) Defendant shall comply with the following additional conditions during the term of community placement:

Date: _____

JUDGE GRANT COUNTY SUPERIOR COURT

FILED
 KENNETH O. KUNES, CLERK
 BY _____ DEPUTY
 JAN 10 2006
 RECORDED IN _____
 VOLUME _____ PAGE _____



06-000325

JUDGMENT # 06-9-00054-6

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY

STATE OF WASHINGTON,	)	No. 05-1-00754-3
)	
	)	FELONY JUDGMENT AND
v.	)	SENTENCE (FJS)
)	
AMEL WILLIAM DALLUGE,)	<input checked="" type="checkbox"/> Prison [] RCW 9.94A.712 Prison
	)	Confinement
SID# WA18249736; DOB 5/22/80)	
AGENCY: GCSO-J 05-GS12267	)	[ ] Clerk's action required, para 4.5
	)	SDOSA 4.1 & 5.8

I. HEARING

1.1 A sentencing hearing was held present were:
 Defendant: AMEL WILLIAM DALLUGE
 Defendant's Lawyer: RYAN EARL (Stand-by Counsel)
 (Deputy) Prosecuting Attorney: STEVE SCOTT

II. FINDINGS

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

2.1 CURRENT OFFENSE(S): The defendant was found guilty on DECEMBER 8, 2005 by TRIAL (joined with Grant County Cause No. 05-1-00755-1)

COUNT	CRIME with RCW	CRIME DATE
1	Malicious Mischief in the First Degree — Physical Damage in Excess of \$1,500 — RCW 9A.48.070(1)(a)	October 8, 2005

FELONY JUDGMENT AND SENTENCE FJS)(Prison)
 (RCW 9.94A.500, .505.)(WPF CR 84.0400 (9/2005))

EXHIBIT 5

*cc
JAN*

2	Possession of a Weapon by a Person Serving a Sentence in a Local Correctional Institution — RCW 9.94.040(2)	October 8, 2005
---	---	-----------------

as charged in the (Amended) Information.

- The court finds that the defendant is subject to sentencing under RCW 9.94A.712.
- A special verdict/finding for use of firearm was returned on Count(s) _ RCW 9.94A.609, .510
- A special verdict/finding for use of deadly weapon other than a firearm was returned on Count(s) _ RCW 9.94A.602, .510
- A special verdict/finding of sexual motivation was returned on Count(s) _ RCW 9.94A.835
- A special verdict/finding for Violation of the Uniform Controlled Substances Act was returned on Count(s) __, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, when a juvenile was present in or upon the premises of manufacture was returned on Count(s) . RCW 9.94A.605, RC W 69.500.401(a), RCW 69.50.440.
- The defendant was convicted of vehicular homicide which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030
- This case involves kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130
- The court finds that the offender has a chemical dependency that has contributed to the offense(s). RCW 9.94A.607
- The crime charged in Count(s) involve(s) domestic violence.
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):

CURRENT OFFENSES ENCOMPASSING

- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

OTHER CURRENT OFFENSES USED IN CALCULATING OFFENDER SCORE
Assault in the Third Degree — Law Enforcement Officer — RCW 9A.36.031(1)(g) (GRANT COUNTY CAUSE NO. 05-1-00755-1)

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J	TYPE OF CRIM
1	THEFT SECOND DEGREE	11/26/96	GRANT COUNTY JUVENILE	8/30/96	J	NV
2	RAPE IN THE THIRD DEGREE	5/12/98	GRANT COUNTY, WA 97-1-00540-2	8/21/97	A	NVS
3	RAPE IN THE THIRD DEGREE BY COMPLICITY	5/12/98	GRANT COUNTY, WA 97-1-00540-2	8/21/97	A	NVS
4	BURGLARY SECOND DEGREE	4/7/98	GRANT COUNTY, WA 98-1-00030-1	between 11/7/97 & 11/8/97	A	NV
5	THEFT SECOND DEGREE	4/7/98	GRANT COUNTY, WA 98-1-00030-1	between 11/7/97 & 11/8/97	A	NV
6	ESCAPE FROM COMMUNITY CUSTODY, RCW 72.09.310 (CRIME CODE: UNK)	6/3/03	GRANT COUNTY, WA 02-1-00862-6	4/23/02	A	NV
7	VUCSA, RCW 69.50.401(d) POSSESSION OF METHAMPHETAMINE,	2/24/04	GRANT COUNTY, WA 03-1-00986-8	11/23/03	A	NV

- The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525
- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

PRIOR CONVICTIONS ENCOMPASSING
CRIMES 4 & 5

- The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

PRIOR CONVICTIONS COUNTED AS ENHANCEMENTS

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE(not including enhancements)	PLUS ENHANCEMENT *	Total STANDARD RANGE (including enhancements)	MAXIMUM TERM
1	7	II	22 - 29 MONTHS		22 - 29 MONTHS	10 YRS
2	(UN-RANKED)		not more than 12 months		not more than 12 months	10 YRS

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in protected zone, (VH) Veh. Horn, See RCW 46.61.520, (JP) Juvenile Present

2.4 EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence
 within below the standard range for Count(s) _____, above the standard range for Count(s)

The defendant and state stipulate that the justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

Aggravating factors were stipulated by the defendant, found by the court after the defendant waived jury trial found by jury by special interrogatory

Findings of fact and conclusions of law are attached in Appendix 2.4. Jury's special interrogatory is attached. The Prosecuting Attorney did did not recommend a similar sentence.

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753
 The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing

agreements or plea agreements are attached as follows: THE STATE RESERVES RECOMMENDATION AS TO JAIL TIME BUT DOES RECOMMEND THAT THE DEFENDANT PAY RESTITUTION.

III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1.

3.2 The Court DISMISSES Counts
 The defendant is found NOT GUILTY of Counts

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court:

			JASS CODE
\$9,481.74	Restitution to: (see attached)	RTN/RJN	
\$	Restitution to:		
\$	Restitution to:		
	<small>(Name and Address--address may be withheld and provided confidentially to Clerk's Office).</small>		
\$500.00	Victim assessment	RCW 7.68.035	
\$	Domestic Violence assessment	RCW 19.99.080	
\$	DNA Test Fee, RCW 43.43.754		
\$725.00	Court costs, including RCW 9.94A.760, 9.94A.505,		
	10.01.160		CRC
	Criminal filing fee \$110.00 prior to July 25, 2005,		
	\$200.00 after July 25, 2005.		FRC
	Witness costs \$	WFR	
	Sheriff service fees \$525.00	SFR/SFS/SFW/SRF	
	Jury demand fee \$	JFR	
	Extradition costs \$	EXT	
	Other \$		
\$	Fees for court appointed attorney	RCW 9.94A.760	PUB
\$	Court appointed defense expert and other defense costs	RCW 9.94A.760	WFR
\$	Fine RCW 9A.20.021 <input type="checkbox"/> VUCSA chapter 69.50 RCW, <input type="checkbox"/> VUCSA additional fine deferred due to indigency RCW 69.50.430		FCM/MTH
\$	VUCSA additional fine <input type="checkbox"/> deferred due to indigency RCW 69.50.430		FCM/MTH
\$	Drug enforcement fund of _____	RCW 9.94A.760	CDFI/DI/FCD NTF/SAD/SDI
\$	Crime lab fee <input type="checkbox"/> suspended due to indigency RCW 43.43.690	CLF	
\$	\$3,000 Meth/amphetamine Cleanup Fine	RCW 69.50.440 or 69.50.401	MTH
\$	Felony DNA collection fee <input type="checkbox"/> not imposed due to hardship RCW 43.43. (Ch. 289 L 2002 § 4).		
\$	Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum)	RCW 38.52.430	
\$	Other costs for: _____		

\$ 10706.74 TOTAL

RCW 9.94A.760

The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.142. A restitution hearing:

shall be set by the prosecutor

is scheduled for _____

RESTITUTION. Schedule attached.

Restitution ordered above shall be paid jointly and severally (if adjudicated) with:

NAME of other defendant	CAUSE NO.	(VICTIM NAME)	(AMOUNT)

RJN

The Department of Corrections (DOC) may immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602

All payments shall be made in accordance with the policies of the clerk and on a schedule established by DOC, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ 35 per month commencing upon release. RCW 9.94A.760

In addition to the other costs imposed herein the Court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay for the costs of incarceration and is ordered to pay such costs at the rate of \$50.00 per day, unless another rate is specified here: . (JLR) RCW 9.94A.760.

The defendant shall pay the costs of services to collect unpaid legal financial obligations. RCW 36.18.190

The financial obligations imposed in this judgment shall bear interest from the date of the Judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160

4.2 DNA TESTING. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754

HIV TESTING. The defendant shall submit to HIV testing. RCW 70.24.340

4.3 The defendant AMEL WILLIAM DALLUGE shall not have contact with

_____ (name, DOB), including, but not limited to, personal, verbal, telephonic, written or contact through a third party for _____ years (not to exceed the maximum statutory sentence).

Domestic Violence Protection Order or Anti Harassment Order is filed with this Judgment and Sentence.

4.4 OTHER: _____

The following firearm(s) shall be forfeited pursuant to RCW 9.41.098: _____

4.5 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

(a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

<u>29</u>	months on Count	<u>#1</u>	_____	months on Count	_____
<u>12</u>	months on Count	<u>#2</u>	_____	months on Count	_____
_____	months on Count	_____	_____	months on Count	_____

Actual number of months of total confinement ordered is: _____
(Add mandatory firearm and deadly weapons enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm or other deadly weapon as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

The sentence herein shall run consecutively with the sentence in cause number(s) _____

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589

Confinement shall commence immediately unless otherwise set forth here: _____

- (b) CONFINEMENT. RCW 9.94A.712: The defendant is sentenced to the following term of confinement in the custody of the DOC:

Count _____	minimum term _____	maximum term _____
Count _____	minimum term _____	maximum term _____

- (c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court:

4.6 **COMMUNITY PLACEMENT** is ordered as follows: Count _____ for _____ months;
Count _____ for _____ months; Count _____ for _____ months;

COMMUNITY CUSTODY for count(s) _____, sentenced under RCW 9.94A.712, is ordered for any period of time the defendant is released from total confinement before the expiration of the maximum sentence.

COMMUNITY CUSTODY is ordered as follows:

Count _____ for a range from _____ to _____ months;

Count _____ for a range from _____ to _____ months;

Count _____ for a range from _____ to _____ months;

or for a period of earned early release awarded pursuant to RCW 9.94A.728(1) and (2), which ever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding, Chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000 See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.]

On or after July, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

- a) the defendant committed a current or prior:
 - i) Sex offense ii) Violent Offense iii) Crime against a person (RCW 9.94A.411)
 - iv) Domestic Violence offense (RCW 10.99.020) v) Residential Burglary offense
 - vi) Offense for Manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers vii) Offense for delivery of a controlled to a minor; or attempt, solicitation or conspiracy vi, vii)
- b) the conditions of community placement or community custody include chemical dependency treatment.
- c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution; (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) not unlawfully possess controlled substances while in community custody; (5) pay supervision fees as determined by DOC; (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

- The defendant shall not consume any alcohol.
- Defendant shall have no contact with: _____
- Defendant shall remain within outside of a specified geographical boundary, to wit: _____

Defendant shall not reside in a community protection zone (withing 880 feet of the facilities or ground of a public or private school). (RCW 9.94A.030(8).

The defendant shall participate in the following crime related treatment or counseling services: _____

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

The defendant shall comply with the following crime-related prohibitions: _____

Other conditions: defendant shall pay all court-ordered legal financial obligations; _____

For sentences imposed under RCW 9.94A.712, other conditions may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than 7 working days.

4.7 **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections: _____

SENTENCE AND ORDER AS TO GROSS MISDEMEANOR - MISDEMEANOR

IT IS FURTHER ORDERED:

4.9 Defendant is sentenced by imprisonment in the Grant County jail

for a period of _____ days, with _____ days suspended for _____ on good behavior of the defendant as to Count . (SEE APPENDIX G, if applicable)

for a period of _____ days, with _____ days suspended for _____ on good behavior of the defendant as to Count .

for a period of _____ days, with _____ days suspended for _____ on good behavior of the defendant as to Count .

the terms in counts _____ are concurrent/consecutive
 with each other with counts _____ sentenced herein
 with Cause No. _____

the terms in counts _____ are concurrent/consecutive
 with each other with counts _____ sentenced herein
 with Cause No. _____

- the terms in counts _____ are concurrent/consecutive
 with each other with counts _____ sentenced herein
 with Cause No. _____

The defendant shall receive credit, against the sentence stated above, for early release time, if any, earned by the defendant pursuant to the policies of the Grant County jail.

GROSS MISDEMEANOR MONETARY ASSESSMENTS:

4.10 Defendant shall pay a fine of \$ _____, with \$ _____ suspended for _____ years.

4.11 CONDITIONS FOR SUSPENSION ON GROSS MISDEMEANOR(S):

SUPERVISION

Defendant shall be supervised by the Department of Corrections, Division of Community Corrections, for _____ months pursuant to the rules and regulations of the Department of Corrections, Division of Community Supervision. Defendant shall report to the Community Corrections Office at 229 First Avenue NW, Ephrata, Washington, immediately or upon release from custody.

The offender shall not use, possess or deliver any controlled substance, except by valid prescription.

Defendant shall not consume alcohol in Grant County, Washington.

Defendant shall appear for review hearing as to the gross-misdemeanor(s) on _____

In the event of any violation of these conditions, all or any portion of the suspended portions of sentence may be imposed.

V. NOTICES AND SIGNATURES

5.1 COLLATERAL ATTACK ON JUDGMENT. Any petition or motion for collateral attack on this judgment and sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090

5.2 LENGTH OF SUPERVISION. For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period of up to 10 years from the date of the sentence or release from confinement, which ever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed all on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purposes

of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5).

5.3 NOTICE OF INCOME-WITHHOLDING ACTION. If the court has not ordered an immediate notice of payroll deduction in paragraph 4.1, you are notified that the Department of Corrections may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606

5.4 RESTITUTION HEARING.

[] Defendant waives any right to be present at any restitution hearing (sign initials): _____

5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634

5.6 FIREARMS. You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification, to the Department of Licensing along with the date of conviction or commitment). RCW 9.41.040, 9.41.047

Cross off if not applicable:

5.7 SEX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.200. Because this crime involves a sex or kidnapping offense involving a minor as defined in RCW 9A.44.130 (e.g., kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW where the victim is a minor and you are not the minor's parent), you are required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.

If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within 30 days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry out a vocation in Washington, or attend school in Washington, you must register within 30 days after starting school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

If you change your residence within a county, you must send written notice of your change of

residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving, register with that sheriff within 24 hours of moving and you must give written notice of your change of address to the sheriff of the county where last registered within 10 days of moving. If you move out of Washington state, you must also send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington state.

If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier.

Even if you lack a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you do not have a residence at the time of your release from custody or within 14 days after ceasing to have a fixed residence. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report in person to the sheriff of the county where you are registered on a weekly basis if you have been classified as a risk level II or III, or on a monthly basis if you have been classified as a risk level I. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level.

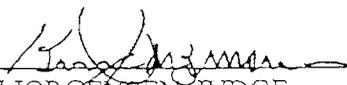
If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

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

5.8 [] The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The court clerk is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

5.9 OTHER: _____

DONE in Open Court and in the presence of the defendant this date: ~~DECEMBER~~ ^{January} 10, 2005



KEN JORGENSEN, JUDGE

_____ STEVE SCOTT, WSBA# 17506 (Deputy) Prosecuting Attorney	_____ RYAN EARL, WSBA# 34007 Attorney for Defendant	_____ AMEL WILLIAM DALLUGE, Defendant
--	---	---

VOTING RIGHTS STATEMENT: RCW10.64. I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Translator signature/Print name: _____

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the _____ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.

Translator signature/Print name: _____

CAUSE NUMBER of this case:

05-1-00754-3

I, KENNETH O. KUNES, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action, now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: DECEMBER _____, 2005. Clerk of said County and State, by: _____, Deputy Clerk

IDENTIFICATION OF DEFENDANT

SID No. WA18249736
(if no SID take fingerprint card for State Patrol)

Date of Birth 5/22/80

FBI No. 355386DB0

Local ID No. 25358

PCN No. UNK

Other

Alias name, SSN, DOB:

Race:

Asian/Pacific Islander

Black/African-American

Caucasian

Ethnicity:

Hispanic

Sex:

Male

Native American

Other: _____

Non-Hispanic

Female

FINGERPRINTS I attest that I saw the same defendant who appeared in Court on this document affix his or her fingerprints and signature thereto.

Clerk of the Court by: _____

Deputy Clerk. Dated: DECEMBER _____ 2005

DEFENDANT'S SIGNATURE: _____

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

STATE OF WASHINGTON)
) ss.
County of Grant)

WARRANT OF COMMITMENT

THE STATE OF WASHINGTON, To the sheriff of Grant County and to the superintendent and officers in charge of the Washington State Correctional Institution at Shelton, Washington.

WHEREAS AMEL WILLIAM DALLUGE has been duly convicted in the Superior Court of the State of Washington, for said county, of the crime(s) of

COUNT	CRIME with RCW	CRIME DATE
1	Malicious Mischief in the First Degree — Physical Damage in Excess of \$1,500 — RCW 9A.48.070(1)(a)	October 8, 2005
2	Possession of a Weapon by a Person Serving a Sentence in a Local Correctional Institution — RCW 9.94.040(2)	October 8, 2005

and judgment has been pronounced against said defendant, and the Court having decreed that the defendant be punished by classification, confinement and placement in such correctional facility under the supervision of the Department of Corrections, Adult Corrections Division, as said department shall deem appropriate, pursuant to RCW 72.13.120, all of which appears of record.

NOW, THIS IS TO COMMAND YOU, The said sheriff, that you take and deliver the defendant to the proper officers of said institution; and this is to command you, the superintendent and officers in charge of said institution, to receive the said defendant and to confine said defendant at hard labor in said institution as provided by law for the aforesaid term and until such costs are paid, secured, or disposed of as by law provided, and these presents are your authority for the same, HEREIN FAIL NOT.

WITNESS THE HONORABLE KEN JORGENSEN, Judge of Grant County Superior Court, and the seal thereof, this 10 day of ~~DECEMBER~~, 2005.

Jon Olo

KENNETH O. KUNES
Clerk of the Superior Court

By: *Steve Green*
Deputy Clerk

**ACKNOWLEDGMENT OF ADVICE OF RIGHT TO APPEAL
AND TIME LIMIT FOR FILING COLLATERAL ATTACK**

The court has entered the Judgment and Sentence to which this form is attached. The undersigned, counsel for the defendant or the defendant, and a qualified or certified interpreter (where applicable) acknowledge that the defendant has read or heard, and has acknowledged understanding, the following rights:

RIGHTS REGARDING APPEAL

If the defendant was convicted after trial and upon the defendant's plea of not guilty, or if the defendant was sentenced to a term outside the standard range for confinement, as provided in chapter 9.94A RCW:

1. The defendant has the right to appeal to the Court of Appeals.
2. Unless a notice of appeal is filed with the clerk of this court within thirty (30) days from the entry of the Judgment and Sentence, the right to appeal will be forever lost.
3. The defendant has the right to be represented by a lawyer for the purposes of appeal, including preparation and filing of the notice of appeal. If the defendant cannot afford to hire a lawyer, the court will appoint a lawyer to represent the defendant at public expense.
4. The defendant has the right to have those parts of the trial record necessary for appeal prepared at public expense if the defendant cannot afford to pay for such preparation.

TIME LIMITS FOR COLLATERAL ATTACK

5. No petition or motion for relief from the Judgment and Sentence may be filed after one (1) year has elapsed from the time the Judgment and Sentence becomes final.

The Judgment and Sentence becomes final on the last of the following dates:

- a. when it is filed with the clerk of this court;
 - b. after a direct appeal (see rights above), when an appellate court issues its mandate disposing of such appeal,
 - c. when the United States Supreme Court denies a timely petition for certiorari to review a decision upholding the defendant's conviction on appeal. Filing a motion to reconsider denial of certiorari does not prevent the Judgment and Sentence from becoming final.
6. The time limit stated above does not apply to a petition or motion based solely on one or more of the following grounds:
 - a. newly discovered evidence, if the defendant acted with due diligence in discovering the evidence and filing the petition or motion;

- b. that the statute the defendant is convicted of violating was unconstitutional on its face or as applied to the defendant's conduct;
- c. the conviction was barred by double jeopardy, under Amendment V to the United States Constitution or Article 1, Section 9 of the Washington State Constitution
- d. the defendant pled not guilty and the evidence introduced at trial was insufficient to support the conviction;
- e. the sentence imposed was in excess of the court's jurisdiction;
- f. there has been a significant change in the law, whether substantive or procedural, which is material to the conviction, sentence or other order entered in a criminal or civil proceeding instituted by the state or local government, and either (1) the legislature has expressly provided that the change in the law is to be applied retroactively, or (2) a court, in interpreting a change in the law that lacks such an express legislative intent, determines that sufficient reasons exist to require retroactive application of the changed legal standard.

DEFENDANT'S ACKNOWLEDGMENT

I HAVE READ, OR HAVE HAD READ TO ME, THE FOREGOING STATEMENT; I UNDERSTAND THE RIGHTS ENUMERATED ABOVE AND ACKNOWLEDGE MY RECEIPT OF A COPY OF THESE RIGHTS.

Date: _____

_____ DEFENDANT

DEFENSE COUNSEL'S CERTIFICATION

I CERTIFY, AS DEFENDANT'S COUNSEL OF RECORD, THAT THE DEFENDANT HAS READ, OR HAS HAD READ TO HIM/HER, AND HAS ACKNOWLEDGED TO ME HIS/HER UNDERSTANDING OF, THE FOREGOING STATEMENT.

Date: _____

_____ DEFENSE COUNSEL

INTERPRETER'S CERTIFICATION

I AM CERTIFIED, OR HAVE BEEN FOUND BY THE COURT TO BE QUALIFIED, AS AN INTERPRETER IN THE _____ LANGUAGE, AND I HAVE TRANSLATED THE FOREGOING STATEMENT OF RIGHTS AND DEFENDANT'S ACKNOWLEDGMENT INTO THAT LANGUAGE TO THE DEFENDANT. THE DEFENDANT HAS ACKNOWLEDGED THAT HE/SHE UNDERSTANDS BOTH THE TRANSLATION AND THE SUBJECT MATTER OF THIS DOCUMENT. I CERTIFY, UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON, THAT THE FOREGOING IS TRUE AND CORRECT.

Date: _____

_____ INTERPRETER

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY

STATE OF WASHINGTON,)	
)	
Plaintiff,	)	No. 05-1-00754-3
)	
v	)	JUDGMENT AND SENTENCE
	)	(FELONY) - APPENDIX H
AMEL WILLIAM DALLUGE,	)	COMMUNITY PLACEMENT
)	
Defendant.)	

The court having found the defendant guilty of offense (s) qualifying for community placement, it is further ordered as set forth below:

4.5 COMMUNITY PLACEMENT: Defendant additionally is sentenced on convictions herein, for each sex offense and serious violent offense committed on or after July 1 1990 to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A. 150 (1) and (2) whichever is longer and on conviction herein for an offense categorized as a sex offense or serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.1254 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

Community Placement is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

a) Defendant shall comply with the following conditions during the term of community placement:

1. Report to, and be available for contact with the assigned community corrections officer as directed;
2. Work at Department of Corrections-approved education, employment, and/or community service;
3. Not consume controlled substances except pursuant to lawfully issued prescriptions;
4. While in community custody not unlawfully possess controlled substances;
5. Pay community placement fees as determined by the Department of Corrections
6. Receive prior approval for living arrangements and residence location; and
7. Defendant shall not own, use, or possess a firearm or ammunitions.

The following conditions listed under 4.5 (a) are hereby waived by the court:

b) Defendant shall comply with the following additional conditions during the term of community placement:

Date: _____

JUDGE GRANT COUNTY SUPERIOR COURT

AMENDED
RESTITUTION REPORT APPENDIX 4.1

TO: JOHN KNODELL, GRANT COUNTY PROSECUTOR December 5, 2005

FROM: KARLA KRAUTSCHEID, VICTIM WITNESS UNIT

RE: STATE OF WASHINGTON VS. AMEL WILLIAM DALLUGE
 GRANT COUNTY CAUSE NO: 05-1-00754-3
 CHARGE:

A.	PROPERTY DAMAGE OR LOSS	\$9,481.74
B.	MEDICAL EXPENSES	
C.	TIME LOSS	
D.	REIMBURSEMENT TO VICTIM, IF ANY	
E.	TOTAL RESTITUTION TO DATE	\$9,481.74

PAYMENTS TO:

GRANT COUNTY JAIL \$9,481.74
P.O. BOX 37
EPHRATA, WA 98823

Copy to Defense Attorney

NAME: DALLUGE, AMEL WILLIAM

OFFICE: 130 MOSES LAKE OFFIC
OFFICER: BB72 CANTERBURY, STEP

10/08/03 OP 04 OPMR-OCT. NO CHANGE IN RES. NO EMPLOYMENT. P STATED THAT HE WANTS TO ATTEND COLLEGE BUT HE NOT SERIOUS ENOUGH, AT THIS POINT. P STATED THAT HE IS NOT DRINKING OR CONSUMING ILLEGAL DRUGS. ON-SITE TEST CONDUCTED. ALL NEG. NOT MUCH TO STAY, EXCEPT THAT HIS MOTHER IS HELPING HIM WITH PAYMENTS ON HIS CLOSED CAUSES. I REMINDED P THAT HE NEEDS TO SEND \$10.00 TOWARD HIS CURRENT CAUSE. HE MADE AN APPOINTMENT FOR NEXT MONTH.
10/08/03 G CORONADO

10/13/03 CM 04 RECEIVED MACC REPORT: P RAN FOR WANTS/DRIVERS ON 10/5 AT 12:46 AM AT A TRAFFIC STOP. 10/13/03 T LOGAN GT-44 WAS DEPUTY.
10/13/03 T LOGAN

10/28/03 TP 04 P PHONED IN RE TO CCO STOPPING BY HIS HOUSE. SAID HE HAD GONE TO HIS DADS HOUSE. P WONDERED WHY CCO WAS AT HIS HOUSE. TOLD P JUST A RANDOM FIELD VISIT. P ASKED ME TO LET CCO KNOW HE CALLED.
10/28/03 A RICHARDSON

10/28/03 HC 08 STOPPED AT P'S ADDRESS. HIS BROTHER ANSWERED THE DOOR AND SAID P JUST LEFT. HE WILL TELL HIM I STOPPED BY. 10/28/03 T LOGAN

11/03/03 CM 04 RECEIVED MACC REPORT: P RAN BY GT-26 ON 10/27 AT 3:26AM AND BY 136 ON 10/29 AT 1:12 AM. 11/03/03 T LOGAN

11/04/03 CM 04 RECEIVED MACC REPORT: P RAN BY 123 ON 11/1 AT 1:45 AM, UNKNOWN WHY. 11/04/03 T LOGAN

11/05/03 TP 04 P CALLED TO SAY HE WAS ILL. DIRECTED HIM TO REPORT FRIDAY BEFORE NOON. 11/05/03 T LOGAN

11/13/03 TC 04 I CALLED DEB SHAY AT RECORDS. SHE LOOKED UP P ON SPILLMAN. NO INCIDENCES SHOWING SINCE HE WAS IN JAIL LAST. APPEARS P IS JUST OUT AND BEING CONTACTED BY LAW ENF WHO IS CHECKING FOR WARRANTS.
11/13/03 T LOGAN

11/13/03 JS 08 STAFFING: P WILL BE SENT FTR LETTER TO REPORT ON 11/19. WILL DISCUSS P'S POLICE CONTACT OR PERSONAL ACTIVITIES DURING MIDDLE OF NIGHT WITH HIM. 11/13/03 T LOGAN

11/13/03 LP 12 0028397099LETTER TITLE: FTR NOVEMBER. SELECTED TEXT: YOU ARE DIRECTED TO REPORT TO THE MOSES LAKE DEPARTMENT OF CORRECTIONS OFFICE IN PERSON ON WEDNESDAY, NOVEMBER 19, 2003 BEFORE 4:30 PM.
11/13/03 A RICHARDSON

11/20/03 TC 04 CCO CANTERBURY CALLED P'S # AND SPOKE WITH NO ONE. SHE LEFT A MESSAGE FOR P TO REPORT TO THE OFFICE OR GIVE US A CALL.
11/20/03 G CORONADO

11/20/03 JS 08 P HAS FAILED TO REPORT SEVERAL TIMES THIS MONTH. CCO LOGAN WILL ISSUE A DEPARTMENT DETAINER TOMORROW, IF HE DOES NOT REPORT AS DIRECTED. 11/20/03 G CORONADO

11/21/03 CM 04 ISSUED DETAINER FOR P'S ARREST. 11/21/03 T LOGAN

11/21/03 CM 08 RECIEVED MACC REPORT; P CHECKED BY OFFICER LOPEZ, MLPD, ON 11/18 AT 2:04 AM. 11/21/03 T LOGAN

11/21/03 TC 12 SPOKE WITH OFFICER LOPEZ. HE SAID HE HAS SEEN P OUT SEVERAL TIMES. HE IS JUST DRIVING AROUND TOWN WITH RAYMOND MARTINEZ AND KRISTALEE MAST. TOLD HIM THAT P WILL HAVE A DOC DETAINER ISSUED TODAY. 11/21/03 T LOGAN

11/24/03 AR 04 REPORTED BY WSP - OFFENDER ARRESTED ON 11/23/2003 FOR INTRODUCING CONTRABAND 1 DRUG RELATED BY GRANT COUNTY SHERIFF'S OFFICE 11/24/03 SYSTEM

11/24/03 TC 08 SPOKE WITH SCOTT AT THE JAIL. HE SAID P IS BEING HELD ON THE DOC DETAINER AND WAS FOUND WITH SOME DRUGS ON HIM WHEN BOOKED. 11/24/03 T LOGAN

11/24/03 CM 12 MADE PC REQUEST. 11/24/03 T LOGAN

NAME: DALLUGE, AMEL WILLIAM

OFFICE: 130 MOSES LAKE OFFIC
OFFICER: BB72 CANTERBURY, STEP

12/01/03 PC 04 PC DETERMINED ON THIS DATE BY LORI RAMSDELL-GILKEY. 12/01/03
H SANDERS

12/01/03 FP 08 MET WITH P AT THE GRANT CO JAIL. REVIEWED NOTICE OF HEARING AND
A NEG SANCTION WITH P. HE WILL BE SERVING 11 DAYS AND REPORTING
WEEKLY FOR 4 WEEKS. CHARGED HIM WITH POSS OF CS BUT WILL
REQUEST DISMISSAL W/O PREJUDICE AS HE IS BEING CHARGED WITH
THIS IN SUPERIOR COURT. P SAID HE WOULD LIKE TO GO TO SPOKANE
AND ATTEND ITT TECH. SAID THAT HE HAS BEEN ACCEPTED. WILL STAY
WITH AN AUNT UNTIL HE SECURES HIS OWN APT. TALKED TO HIM ABOUT
THE ITR PROCESS. 12/01/03 T LOGAN

12/02/03 HR 04 NEGOTIATED SANCTION THIS DATE @ GCJ. O PLED TO FTR ON 11/05/03,
11/07/03, & 11/19/03. O AGREED TO SERVE 11 DAYS, AND REPORT
WEEKLY FOR THE NEXT FOUR WEEKS. P WAIVED APPEARANCE AT HEARING
BUT I DID SPEAK WITH HIM AT THE CELL DOOR AND HE VERIFIED THIS
WAS HIS DESIRE AND HE DID PLEAD TO NOT REPORTING. 12/02/03
L CARLSEN

12/02/03 CM 08 I HAVE COMPLETED P'S VIOLATION REPORT, EXCEPT FOR THE VIOLATION
REFERENCE HIS PENDING CHARGE. I WILL WAIT TO SEE IF P'S PENDING
CHARGE IS DEALT WITH PRIOR TO HIM BEING TRANSPORTED TO BENTON
COUNTY. I WILL HOLD OFF WITH OBTAINING A SUPERVISOR'S SIGNATURE
UNTIL THE STATUS OF HIS PENDING CHARGE IS KNOWN FOR THE HEARING.
12/29/04 S CANTERBURY

02/25/04 CM 04 P WAS SENTENCED TO 12+ MONTHS YESTERDAY IN SUPERIOR CT. HE IS
GOING ON THE CHAIN TOMORROW TO SHELTON. I MOVED P'S FIELD FILE
TO THE 130S CASELOAD. 02/25/04 S CANTERBURY

03/26/04 RC 04 5990 INELIGIBLE DUE TO PRIOR RAPE 3RD CONVICTION 03/26/04
W STIGALL

03/30/04 RC 04 CF/MF REC'D TODAY. WCC 03/30/04 B HAINLINE

04/20/04 TS 04 WCC-RC TESTING. P PARTICIPATED IN RC ADMISSIONS TESTING. JGW
05/19/04 J WATSON

05/01/04 CM 04 MEMO TO P REQUESTING CRR INFORMATION. /WCC-RC 05/06/04
H MALPASS

05/13/04 RC 04 CF SENT TO WSP ON TODAY'S CHAIN. WCC 05/13/04 B HAINLINE

05/19/04 RC 04 INTAKES: CHAIR S.JACOBSON; SGTS BICKFORD & JOHNSON; ED REP T.
MITCHELL; INI T.REISWIG. JOB WAIT LIST: MAINTENANCE/PAINTER
HELPER; GOURNDSKEEPER; STOCK CLERK (CLOTHING ROOM/COKE SHACK).
WORK/PROGRAM ASSIGNMENT. NO ADMITTED STG AFFILIATION. 05/19/04
W TOOMALATAI

06/01/04 CM 04 THIS INFORMATION IS TO BE USED FOR RMI CLASSIFICATION. THIS
OFFENDER HAS BEEN REVIEWED BY ESRC ON 06/01/04 AND DETERMINED
TO BE A LEVEL I SEX OFFENDER. THE RMB SUPPORTS LSI-R 41,NO
VIOLENTT CONVICTION AND UNTREATED SEX OFFENDER. ANY QUESTIONS
SHOULD BE DIRECTED TO PATRICK GOSNEY OF THE CPU. 06/01/04
C MASIAS 06/07/04

07/26/04 CM 04 TODAY'S DATE, SENT OAP W/TP, AND CRR TO EPHRATAASSIGN. SPONSOR
IS P'S MOTHER, [REDACTED], WHO RESIDES AT [REDACTED],
MOSES LAKE, WA. 98837. HER PHONE IS [REDACTED] SHE
RELUCTANTLY IS WILLING TO ACCEPT P AGAIN. 07/26/04 A MAY

07/27/04 RC 04 PKT MAILED TO SJ CORONADO, EPHRATA OFFICE THIS DATE. 07/27/04
B THOMPSON

08/06/04 CM 04 :U:A TEST RESULTS DATED 08.04/04 FOR RANDOM WAS NEGATIVE.
08/06/04 L MICHAEL

NAME: DALLUGE, AMEL WILLIAM

OFFICE: 130 MOSES LAKE OFFIC
OFFICER: BB72 CANTERBURY, STEP

10/28/04 JS 04 WE WILL ATTEMPT FIELD CONTACT WITH P THIS WEEK AND DISCUSS HIS STATUS. 10/28/04 G CORONADO

11/05/04 CM 04 RECEIVED MACC REPORT: P RAN BY GT-42 ON 10/14 AT 11:02PM FOR REGISTRATION AND DRIVER CHECK. 11/05/04 T LOGAN

11/09/04 AR 04 REPORTED BY WSP - OFFENDER ARRESTED ON 11/09/2004 FOR 0 BURGLARY-2 CLASS B FELONY BY ADAMS COUNTY SHERIFF'S OFFICE 11/09/04 SYSTEM

11/09/04 TL 20 TIME TOLLING FROM THIS DATE, AS P WAS ARRESTED ON A NEW FELONY CHARGE. 02/24/05 G CORONADO 02/24/05

11/10/04 CM 04 CALLED ADAMS COUNTY JAIL. P IS THERE ON NEW CHARGES FOR BURG 2 AND THEFT 3. WILL STAFF. 11/10/04 T LOGAN

11/10/04 JS 08 STAFFING: SC TO DEAL WITH P'S NEW VIOLATIONS. 11/10/04 F HERNANDEZ

11/10/04 LP 12 0030806223LETTER TITLE: FTR NOVEMBER. SELECTED TEXT: YOU ARE DIRECTED TO REPORT TO THE MOSES LAKE DEPARTMENT OF CORRECTIONS OFFICE IN PERSON ON WEDNESDAY, NOVEMBER 17, 2004 BEFORE 4:30PM. 11/10/04 A RICHARDSON

11/10/04 CM 16 A DETAINER WAS ISSUED FOR P. 11/15/04 S CANTERBURY

11/15/04 CM 04 I REQUESTED THE POLICE REPORT. 11/15/04 S CANTERBURY

11/15/04 CM 08 I EMAILED PC. HOWEVER, ADAMS COUNTY DOES NOT ALLOW HEARINGS TO TAKE PLACE AT THEIR FACILITY. A DOC HRG CAN'T TAKE PLACE UNTIL HE IS RELEASED FROM ADAMS COUNTY JAIL AND TRANSPORTED TO BENTON COUNTY JAIL. 11/15/04 S CANTERBURY

11/17/04 PC 04 PC APPROVED ON THIS DATE BY CARRIE TROGDEN. 11/17/04 A TAYLOR

12/15/04 CM 04 P WAS NOT PR'D AS HE TOLD THE COURT HE DID NOT WANT TO BE. STILL WAITING FOR THE DOC HOLD TO TAKE EFFECT TO TRANSFER P TO BCJ WHERE A HEARING CAN TAKE PLACE. HIS NEXT COURT DATE IS 1/3 FOR PRETRIAL AND 1/18 FOR TRIAL. 12/15/04 T LOGAN

12/17/04 RC 04 MF SENT TO AHCC VIA TRANSPORT FROM NE RECORDS. 12/20/04 A BATT

12/20/04 RC 04 MF RETURNED TO NE RECORDS VIA AHCC TRANSPORT AFTER FAXING INFO TO ADMAS CO JAIL 12/20/04 S KRUEGER

12/21/04 RC 04 MF RCV'D AT NE RECORDS FROM AHCC. 12/21/04 A BATT

04 [REDACTED]

02/10/05 CM 04 P'S PENDING CHARGE HAS BEEN CONT TO 2/28. 02/10/05 S CANTERBURY

02/24/05 TC 04 RECEIVED A CALL FROM ADAMS CO. JAILER BILL BANNER. HE STATED THAT P HAS RECEIVED TWO MORE NEW CHARGES WHILE AT THE JAIL. MALICIOUS MISCHIEF 3RD WITH OBSTRUCTING AN OFFICER FOR BREAKING THE VISITATION ROOM PHONES AND RESISTING CO'S WHEN THEY TRIED TO REMOVE HIM FROM THE BOOTH. P IS ALSO TO RECEIVE A MALICIOUS MISCHIEF IN 2ND FOR TAKING A BLANKET FROM HIS CELL AND FLUSHING IT DOWN THE TOILET CAUSING THE ENTIRE JAIL AND ADMIN. OFFICES TO HAVE A SEWER BACK UP SINCE THEY ARE ALL TIRED IN TOGETHER. P ALSO TOLD BILL THAT HE DID NOT WANT TO GO DOWN TO BENTON CO. TO TAKE CARE OF HIS HEARING FOR HIS VIOLATIONS BECAUSE SOMETHING HAPPENED TO HIM 02/24/05 F HERNANDEZ

02/24/05 TC 08 WHILE INCARCERATED DOWN THERE BUT DID NOT WANT TO TALK ABOUT IT. 02/24/05 F HERNANDEZ

NAME: DALLUGE, AMEL WILLIAM

OFFICE: 130 MOSES LAKE OFFIC
OFFICER: BB72 CANTERBURY, STEP

- 03/23/05 CM 04 I REVIEWED P'S PENDING CHARGES IN ADAMS COUNTY. HE WAS
ORIGINALLY BOOKED FOR BURG 2 AND THEFT 3 (FEL) THOSE CHARGES
WERE DISMISSED AND REFILLED IN DIST CT AS CRIMINAL TRESSPASS
FIRST DEGREE. HIS NEXT CT DATE IS ON 4/12. P ALSO HAS A NEW
FELONY CHARGE OF MAL MIS 2 05-1-35-0. HIS NEXT COURT DATE ON
THAT CHARGE IS 5/12. HE ALSO HAS BEEN CHARGED IN DIST CT FOR
OBSTRUCTING AN OFFICER (NEXT CT DATE 4/12) AND MAL MIS 3RD
(NEXT CT DATE 5/25) 03/23/05 S CANTERBURY
- 04/21/05 RC 04 GRANT CO 03-1-00986-8 (AF CMT), COURT OF APPEALS, DIVISION III,
ST OF WA, MANDATE, DATED 4/21/05, AFFIRMED CONVICTION OF
POSSESSION OF METHAMPHETAMINE. 05/06/05 N SMITH
- 04/22/05 CM 04 PENDING SUP CT NEXT CT DATE 5/2. PENDING DIST CT NEXT CT DATES
5/23 AND 5/24. 04/22/05 S CANTERBURY
- 05/18/05 CM 04 PENDING SUP CT MATTER CONT TO 6/6. 05/18/05 S CANTERBURY
- 05/31/05 CM 04 PENDING DIST CT MATTERS CONT TO 7/12. 05/31/05 S CANTERBURY
- 06/06/05 TL 04 TOLLING ENDED, P WAS RELEASE FROM JAIL. TOLLING WAS RESTARTED
BECAUSE P FAILED TO REPORT. 06/15/05 S CANTERBURY
- 06/07/05 TC 04 CCO SACKMANN CALLED AND STATED THAT ADAMS CO. JAIL CONTACTED
HER AND STATED THAT P WAS PR'D ON HIS NEW CHARGES AND THAT HE
RELIZED THAT P HAD A DOC HOLD AFTER HE WAS RELEASED. I THANKED
CCO SACKMANN AND WILL STAFF THE MATTER. 06/07/05 F HERNANDEZ
- 06/09/05 JS 04 STAFFING: GC WILL REVIEW P'S CURRENT STATUS AND PROCEED AS
NECESSARY. 06/09/05 T LOGAN
- 06/10/05 HC 04 FH AND I STOPPED AT P'S HOME. HIS MOTHER CAME OUT AND SAID P
WAS AT HIS FATHER'S HOME. GAVE HER A CARD TO GIVE TO P AND TELL
HIM TO REPORT ON MONDAY. SAID SHE WOULD GET HIM TO THE OFFICE.
MENTIONED SOMETHING ABOUT A CWU GRADUATION PARTY AT HER HOUSE
THIS WEEKEND. 06/10/05 T LOGAN
- 06/14/05 JS 04 STAFFED WITH CCO CANTERBURY. SHE WILL UPDATE HER NOVR, INCLUDE
RECENT RELEASE INFO, P'S FAILURE TO REPORT ON 6/13/05, AND
REQUEST AN S/W. 06/14/05 G CORONADO 06/14/05
- 06/15/05 CM 04 I ISSUED A SEC WARRANT AND FAX RECORDS A COPY OF THE WARRANT.
06/15/05 S CANTERBURY
- 06/24/05 TC 04 P WAS ARRESTED ON 06/23/05 BUT THE SW HAS NOT BEEN CLEARED. I
CALLED THE GRANT COUNTY JAIL/RECORDS OFFICE. THEY WILL DO A
"LOCATE" TO HAVE IT CLEARED OUT. 06/24/05 G CORONADO
- 06/29/05 FP 04 MET WITH P AT THE GRANT COUNTY JAIL AND SERVED HIM WITH HIS
FULL DISCOVERY PACKET FOR NEXT WEEKS HEARING. P WAS POLITE,
ATTENTIVE, AND SIGNED ALL NEEDED PAPERWORK. THIS WAS A
REFRESHING CHANGE IN P'S USUAL ATTITUDE, WHEN HE DEALS WITH DOC
OFFICALS. 06/30/05 G CORONADO
- 07/05/05 HR 04 CCP HRNG HELD AT GCJ W/CCO S. CANTERBURY. O GUILTY OF: 1) FTR
10/26/04; 2) FTR 11/3/04; 3) LVNG GRANT CTY W/O PERMISSION
11/9/04 & 4) FTR 6/6/05. RMB/1ST & 2ND PROCESS. HAD TAKEN
DEFERRED DECISION IN ORDER TO CONSULT A MAP OF GRANT/ADAMS
COUNTY. SANCTIONS: 15 DAYS CCT W/CTS SINCE 6/23/05; COMPLY
W/FACILITY RULES; RPT TO DOC W/IN 1 BUS. DAY OF RELEASE AND
WEEKLY AS DIRECTED FOR 4 WEEKS. 07/05/05 K ALLEN

EXHIBIT 7



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

DOC- REPORT OF ALLEGED VIOLATION

REPORT TO:	DOC Hearing Officer	DATE:	2/22/06
OFFENDER NAME:	Dalluge, Amel	DOC NUMBER:	779283
AKA:	n/a	FOS NUMBER:	n/a
CRIME:	Escape from Community Custody Possession of Methamphetamine	DOB:	5/22/80
SENTENCE:	12 months community custody	Grant COUNTY CAUSE #:	02-1-00862-6 and 03-1-00986-8
Last Known Address:	550 Castle Drive Moses Lake, WA 98837	DATE OF SENTENCE:	6/3/03 and 2/24/04
MAILING ADDRESS:	same as above	TERMINATION DATE:	Tolling
		STATUS:	Inactive
		CLASSIFICATION:	RM-B

PREVIOUS ACTION:

Under Cause 02-1-00862-6:

11-21-03: Order for Arrest and Detention was issued.

1 12-02-03: Negotiated Sanction Review Hearing was held. Dalluge was violated for: 1) Failing to report to the Department of Corrections (DOC) on 11-5-03, 11-7-03, and 11-19-03. 2) Possessing a controlled substance, methamphetamine, on or about 11-23-03. Violation 2 was dismissed without prejudice, pending the outcome of his new cause. Dalluge pled guilty to violation 1, and agreed to serve 11 days confinement and report weekly for 4 weeks after his release from confinement.

2 07-05-05: Community Custody Hearing held at the Grant County Jail. Dalluge was found guilty of 1) Failing to report to the Department of Corrections on 10-26-04, 2) Failing to report on 11-3-04, 3) Leaving Grant County without permission on 11-9-04, 4) Failing to report on 6-6-05. He was sanctioned to 15 days confinement, report after release, and weekly for four weeks.

EXHIBIT 7

ALLEGATION(S) SPECIFIED: The above named offender has violated the conditions of supervision by:

Allegation 1: Failing to obey all laws, by committing malicious mischief, on or about 10/8/05.

Allegation 2: Failing to obey all laws, by committing an assault on a law enforcement officer, on or about 10/9/05.

WITNESS(ES):

Community Corrections Officers with the Moses Lake Supervision Team

SUPPORTING EVIDENCE:

Allegation 1 and 2: On 6/3/03 Dalluge was sentenced on Cause 02-1-00862-6 to 12 months community custody. On 2/24/04 he was sentenced on Cause 03-1-00986-8 to 12 months community custody. On 10/4/04 Community Corrections Officer (CCO) Green met with Dalluge at the Moses Lake Department of Corrections office and reviewed the Department's Conditions, Requirements, and Instructions form. Dalluge signed said form, indicating he had read the form and all the conditions and requirements were explained to him and he agreed to comply with them. One of the conditions on that form was that he "obey all municipal, county, state, tribal, and federal laws", which is a standard condition for all offenders under "OAA" supervision.

On 10/13/05 the Moses Lake DOC office received a phone call from Sgt. Ponozzo with the Grant County Jail. He advised CCO Canterbury that Dalluge had committed new crimes while incarcerated. He said Dalluge would be charged. On 11/1/05, CCO Coronado requested and was granted, by Hearings Officer Cly Evans, dismissal without prejudice of the violations of failing to obey all laws by committing malicious mischief, possessing a weapon in a corrections facility, assault 3rd, and possession of a controlled substance, pending outcome of local prosecution. On 12/8/05, Dalluge was found guilty at trial of Assault in the 3rd Degree from an incident on 10/9/05, and of Malicious Mischief in the 1st Degree/Possession of a Weapon by a Person Serving a Sentence in a Local Correctional Institution from an incident on 10/8/05. He was subsequently sentenced on 1/10/06 to 29 months, 12 months, and 35 months.

ADJUSTMENT AND SUPERVISION SUMMARY:

Dalluge has been under DOC supervision, continuously, since 1998, for four separate felony convictions. He now has two new convictions that will send him to prison. He has three other felony causes pending. Three of those five incidents occurred while Dalluge was incarcerated, either at the Grant County Jail or Adams County Jail. It is unclear exactly why Dalluge chose to cause problems for the jail staff and engage in riotous behavior, other than his perception of wrongdoing on the part of the criminal justice system, or the corrections officers, etc. He has been tolling since 11/10/04 due either to him being incarcerated or not reporting.

DISPOSITION RECOMMENDATION:

Dalluge is an RM-B level offender due to an LSI score of 43. This will be his 3rd and 2nd hearing on these current causes. According to the Behavior Response Guide, Dalluge should receive 21 to 45 days confinement, per violation. He has prison sentences to serve and therefore alternative sanctions are not a viable option. His behavior in these new offenses involved breaking windows and a phone at the jail, arming himself with pieces of the broken phone, and threatening officers. A tactical response team had to be assembled to deal with his behavior. The next day, he continued to be oppositional to the corrections officers and spat in the face of one of the corrections officers. Due to the violent nature of this behavior, I recommend 60 days confinement.

I certify or declare under penalty of perjury of the laws of the State of Washington that the foregoing statements are true and correct to the best of my knowledge and belief.

Submitted By:

Approved By:

Tim Logan 2/22/06
DATE
Tim Logan
Community Corrections Officer 3
Moses Lake Department of Corrections
530 Interlake Rd.
Moses Lake, WA 98837
Telephone (509) 764 - 6180

Michael J. Eby 2-23-06
DATE
Michael J. Eby
Community Corrections Supervisor

TL / tl / 09-228A.doc
2/22/06

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If NO DOC **ORIGINAL:** Sending State
Hearing: FOS **COPY:** Field File

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EXHIBIT 8



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

COMMUNITY CUSTODY HEARING REPORT

OFFENDER NAME: Amel Dalluge
CRIME: AE) Escape from Community Custody
AF) Possession of Methamphetamine
COUNTY OF CONVICTION: AE & AF) Grant
CAUSE #: AE) 02-1-00862-6 & AF) 03-1-00986-8

DATE: 3/7/06
DOC NUMBER: 779283

A Community Custody Hearing was held on 2/28/06 at the Grant County Jail, regarding the following alleged violations of the conditions of supervision for Amel Dalluge. Hearing Officer Kimberly Allen conducted the hearing and parties present were: Mr. Dalluge and CCO Logan.

Upon convening the hearing, I determined that Mr. Dalluge had received proper service of the Notice of Allegations, Hearing, Rights, and Waiver. I found that he had previously been provided with copies of all of the documentary evidence to be used against him during the hearing.

I provided Mr. Dalluge with the notice of the right to appeal, the address for filing the appeal and an optional form to be used to file an appeal. He acknowledged that he understood his hearing and appeal rights.

DALLUGE, Amel
DOC 779283
02-1-00862-6 & 03-1-00986-8

Preliminary Matters:

CCO Logan advised that Mr. Dalluge has three felony charges pending. In Grant County he has pending charges for Possession of a Controlled Substance and Assault, 2nd Degree. In Adams County Mr. Dalluge has a pending charge for Malicious Mischief, 2nd Degree.

The Department of Corrections alleged that the following violations were committed:

Allegation 1: Failing to obey all laws by committing Malicious Mischief on or about 10/8/05.
Allegation 2: Failing to obey all laws by committing an assault on a law enforcement officer on or about 10/9/05.

The offender entered the following pleas to each violation:

Allegation 1: Not Guilty
Allegation 2: Not Guilty

The hearing officer made the following findings as to each violation:

Allegation 1: Guilty
Allegation 2: Guilty

DALLUGE, Amel
DOC 779283
02-1-00862-6 & 03-1-00986-8

Evidence Relied Upon:

At sentencing in above-listed cases the Court directed Mr. Dalluge to complete 9-12 and 12 months of Community Custody Supervision, respectively. Conditions of supervision imposed by the Court in both cases include compliance with DOC rules and instructions. Intake processing was completed with Mr. Dalluge on 10/4/04. On that date he signed the DOC Standard Conditions, Requirements & Instructions form acknowledging his obligations, to include the imposed condition to obey all laws. Copies of the Judgment & Sentences and Conditions forms were presented as evidence at the hearing.

Allegations 1 & 2: CCO Logan testified that on 10/13/05 his office received a call from the Grant County Jail advising that while in custody Mr. Dalluge had committed new crimes. On 11/1/05 CCO Coronado reviewed the charges and requested that the alleged violations be Dismissed without Prejudice until the local prosecution was completed. CCO Logan noted that on 12/8/05 Mr. Dalluge was found guilty of Malicious Mischief, 1st Degree, Possession of a Weapon by a Person Serving a Sentence in a Local Correctional Institution and Assault, 3rd degree. He was later sentenced in those matters under Grant County Causes 05-1-00755-1 and 05-1-00754-3 on January 10, 2006. CCO Logan presented copies of the new Judgment & Sentences as evidence.

Mr. Dalluge pled not guilty to both allegations as it is his contention that because he was in jail and his supervision was "tolling" that he was not under DOC jurisdiction. Mr. Dalluge asserted as well that at the time of the new criminal behavior for which he was convicted he was in jail as a pre-trial detainee and not on supervision.

Disposition:**The CCO provided the following information regarding the offender's adjustment on supervision:**

CCO Logan noted that Mr. Dalluge has been tolling since 11/10/04 due to either incarceration or failing to report. He has several pending felonies that have yet to be adjudicated. CCO Logan advised that Mr. Dalluge "has been under DOC supervision continuously since 1998 for four separate felony convictions".

The offender provided the following information regarding their adjustment on supervision:

Mr. Dalluge stated that he feels that he is getting punished twice by having this violation process.

DALLUGE, Amel
DOC 779283
02-1-00862-6 & 03-1-00986-8

The disposition recommendation of the CCO:

CCO Logan recommended 60 days of confinement. He noted that alternatives to incarceration were not considered due to the pending charges that Mr. Dalluge faces. Additionally, he has had numerous violation processes. CCO Logan advised that the violation behavior consisted of Mr. Dalluge breaking a window and a telephone and arming himself with pieces of the telephone. The jail had to assemble a SERT team and Mr. Dalluge barricaded the door to his cell. The next day, while in a segregation cell Mr. Dalluge was placed in the restraint chair, escalated and then spit into the face of a jail officer.

The disposition recommendation of the offender:

Mr. Dalluge did not offer a recommendation.

Hearing Officer **disposition**, decision, and reasons:

I found Mr. Dalluge guilty of the two allegations as he is on supervision and accountable for his behavior, even while incarcerated. Mr. Dalluge's argument that he should not be violated for behavior that took place in jail indicates that he has yet to invest in what supervision is about. Mr. Dalluge does not take responsibility or even acknowledge how unacceptable his behavior is.

Mr. Dalluge is 25 years old and is on supervision for his 5th & 6th adult felony offenses. Those convictions begin in 1998 and include: Rape, 3rd Degree; Rape, 3rd Degree by Complicity; Burglary, 2nd Degree and Theft, 2nd Degree. Additionally, Mr. Dalluge has a juvenile conviction from 1996 for Theft, 2nd Degree.

Mr. Dalluge has a Level of Service Inventory – Revised score of 43, is classified as RMB and this was his 3rd and 2nd process, respectively. Previous violations have included: failing to report (x6) and leaving the county without permission. Sanctions imposed to address these behaviors have included confinement of 11 and 15 day and increased reporting.

Mr. Dalluge was sentenced by the Court in the two newest cases to 12, 29 and 35 months of incarceration. He has two other pending felony charges as well. Certainly a sanction of 60 days for these violations pales to the sentences that Mr. Dalluge faces. However, the Department of Corrections is tasked with holding offenders accountable for their behavior. Mr. Dalluge has chosen to be non-compliant while on supervision and has continued his anti-social and criminal behaviors, which needs to be acknowledged and addressed by his supervising officers.

DALLUGE, Ame1
DOC 779283
02-1-00862-6 & 03-1-00986-8

I sanctioned Mr. Dalluge to serve 60 days of confinement with credit for time served since 2/28/06. He is to comply with facility rules, report to the DOC within 1 business day of release and weekly as directed for four weeks. These sanctions hold Mr. Dalluge accountable for his behavior and seek to provide basic supervision structure and parameters when he is initially released in the hope that at that time he will be willing to work with the DOC so that he can be successful on supervision.

Kimberly Allen

HEARINGS OFFICER

3/7/06

DATE

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3/7/06

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DALLUGE, Amel
DOC 779283
02-1-00862-6 & 03-1-00986-8

EXHIBIT 9



Eligible for 1/3 off in good time if earned, on this DOC sanction

In the matter of:

NAME Amel Dalluge
CAUSE NUMBER(S) 02-1-862-6 103-1-986-8 (Both Grant)
DOC NUMBER 779283 DOB 5/22/80

On 2/28/06, a Hearing was conducted in accordance with WAC 137-104. The above captioned offender was found guilty of violating the conditions or requirements of Community Custody. Pursuant to RCW 9.94A, the undersigned Hearing Officer finds that it is in the public interest to sanction the offender to a term of confinement as follows:

TOTAL CONFINEMENT

The offender is serving a term of community custody for a sex offense committed on or after 06/06/96, and before 07/01/00, and having completed the maximum (CCM) term of total confinement, is therefore sanctioned to a term of confinement in a local correctional facility/jail as follows:

LOCATION _____ START DATE _____ TOTAL DAYS _____

The offender (CC) is sanctioned to a term of confinement in a county jail or equivalent correctional facility as stated below or, if confinement in such a facility is not available, the offender may be confined in a state correctional facility or institution as follows:

LOCATION GCJ START DATE 2/28/06 TOTAL DAYS 60

PARTIAL CONFINEMENT

The offender is sanctioned to a term of partial confinement as follows:

LOCATION _____ START DATE _____ TOTAL DAYS _____

Home detention with electronic monitoring, work crew, or a combination thereof to be arranged and managed through the supervising Community Corrections Officer as follows:

Home detention with monitoring START DATE _____ TOTAL DAYS _____
 Work Crew START DATE _____ TOTAL DAYS _____

*** During this term of confinement you are required to follow all rules and regulations of the facility. Failure to do so will be a violation of this order and may result in additional sanctions.**

Ordered this 28th day of Feb, 2006

Signed Kimberly Allen 764-6186
HEARING OFFICER, DEPARTMENT OF CORRECTIONS

Distribution: **ORIGINAL** – Detaining Agency / Facility via CCO **COPY** – CCO, Offender, Hearing File **ALL WHITE**

EXHIBIT 9

AMEL DALLUGE
DOC #779283
Hearing Date: February 28, 2006

ALLEN: Good afternoon, my name is Kim Allen. I'm a hearings officer with DOC. I'm here to conduct an, uh, impartial administrative hearing and for the record would you state your name?

DALLUGE: Amel Willam Dalluge.

ALLEN: Thank you. DOC #779283. Today's date is, uh, February 28, 2006. It's 5 after 2:00. We're at the Grant County Jail. Participating today in the process is myself, Mr. Dalluge, and CCO Logan. Now, um, in this process there are three phases. In the first phase I'll confirm that you received proper notice of the hearing today, of the rights that you have, and the two allegations that have been served. Uh, I'll swear you in as well as CCO Logan and any witnesses who might be called and I'll take your plea of whether guilty or not guilty to the allegations and then I'll take testimony and evidence. During that part of the hearing you can ask questions, make a statement, or choose to say nothing at all. The decision I'll make is based on the standard of evidence called a preponderance. So, what that means is if about 51% of the evidence or if I believe it's more likely then not that the allegation occurred, I could find you guilty. Hearsay evidence is admissible but cannot be used by itself to find you guilty, there has to be something else to support that. Do you understand what hearsay is?

DALLUGE: Um, yeah.

ALLEN: In the event that you plead guilty or I find you guilty I'll move to the third phase and at that point I'll talk with you and CCO about your adjustment to supervision and then we'll move on to recommendations. Now sanctioning can include anything from enhanced supervision, community based programming, partial or total confinement, or a combination of those things. Do you have any questions before we start?

DALLUGE: No.

ALLEN: Okay. Are there any preliminary matters?

DALLUGE: No.

ALLEN: Okay. I'll go over some paperwork with you. Uh, this is the rights form that you were served - has your name and DOC number on it as well as the two allegations; the date, time, and place for this process; indicates, uh, this next portion indicates the paperwork that you received in your packet.

DALLUGE: Uh huh.

ALLEN: Have you had chance to review your packet?

DALLUGE: Yeah.

ALLEN: Okay and you received the same packet I received today?

DALLUGE: Right.

ALLEN: Um, these are the rights that you have in this process and it looks like you were served on the 23rd of February. Is that your signature?

DALLUGE: Yeah that is.

ALLEN: Okay so do you have any questions about your rights?

DALLUGE: Um, no.

ALLEN: Okay. I'm gonna hand you this form here. At the end of the hearing, if you disagree with my decision or the sanctions or both you do have the right to **appeal**. You may (inaudible) your objections and send them to that address within seven days. Also, this is tape recorded. If you'd like a copy of this tape it will be kept on file for one year at that address. You would need to send a blank tape and a written request. So, at this point, um, let me ask will you be calling any, any witnesses today?

LOGAN: No.

ALLEN: And Mr. Dalluge will you need to call any witnesses today?

DALLUGE: Not that I know of, no.

ALLEN: Okay. Then at this point let me swear you both in. Um, do you swear or affirm the testimony you are about to give will be the truth?

DALLUGE: Yes.

ALLEN: Thank you and Mr. Logan?

LOGAN: Yes.

ALLEN: Okay. So, what we're going to do at this point, I'll just take your pleas. First one is going to be failing to obey all laws by committing malicious mischief on or about 10-8-05. Do you plead guilty or not guilty?

DALLUGE: Um, not guilty.

ALLEN: And number 2: failing to obey all laws by committing an assault on a law enforcement officer on or about 10-9-05?

DALLUGE: Not guilty.

ALLEN: Okay. Thank you. Let me just make sure I understand, these two allegations were previously dismissed without prejudice, correct?

LOGAN: Right. In the discovery is a chrono of that and it turns out (inaudible).

ALLEN: Okay. So at this point, um, Mr. Logan if you want to go ahead and present your side of the, of the two allegations then we'll get Mr. Dalluge's testimony.

LOGAN: Um, basically our evidence is that, uh, we have two Judgment and Sentences in the discovery packet. Uh, both of them placing him on 12 months community custody under cause 0218626 and 0319868. And, uh, then on October 4, 2004, Community Corrections Officer Green, Amanda Green, met with Mr. Dalluge, uh, at our Moses Lake Office, reviewed the Conditions, Requirements, Instructions form. On that form it, uh, notifies him that under OAA supervision he is to obey all municipal, county, state, tribal, and federal laws. And that condition form is in the evidence. And on October 13, 2005, we received a phone call Sgt. Ponozzo here at the Grant County Jail. He advised us the Mr. Dalluge was in, uh, jail and had, uh, committed some, uh, new crimes that he was going to be charged with. Um, November 1, 2005, Officer Coronado reviewed those charges, saw that he had been charged in superior court, and he requested from Hearings Officer Clyde Evans that those violations for failing to obey all laws be dismissed without prejudice pending outcome of the prosecution. And then on December 8 he was found guilty at trial for Assault 3rd. And on October 9 (inaudible), actually he was sentenced for both of the two, the two violations that we have, he was sentenced on both of those on December 8, 2005, and the judgments and sentences are in the evidence.

ALLEN: So his sentence on 1/10 for...

LOGAN: He was found guilty, wait, okay he was found guilty on December 8 and then sentenced on January 10, 2006.

ALLEN: Okay. And those judgment and sentences are in the packet?

LOGAN: Right.

ALLEN: Which, for the record are, um, Grant County 05-1-00755-1, Assault in the 3rd Degree on a Law Enforcement Officer, and the other one is 05-1-00754-3, Malicious Mischief in the 1st Degree, Physical Damage in Excess of \$1,500. Okay, Mr. Dalluge, you plead not guilty to these two allegations so what would you like to say?

DALLUGE: Well, I'd like to report, I'd like to actually you know, uh, draw your attention to the DOC report of the alleged violation and my termination date, um, tolling it says and my status is in active. I do believe the last date on this is, was like, it says somewhere in here, like 10 something, so the time that these happened, you guys didn't have jurisdiction over me because I wasn't in your custody. I wasn't, I wasn't in jail, like I, I was sent to jail to serve a probation violation and I have served that time and I was still being held in jail as a pre-trial detainee when these crimes happened. And, I wasn't, I wasn't as I see I wasn't free and I wasn't under, like when I'm incarcerated in jail I don't have to do monthly reports, I don't have to submit to urinalysis, and you know a lot of other things that when I'm free and I'm under your guy's jurisdiction I do have to do.

ALLEN: Okay, um, do you have comment or questions or a reply to that Mr. Logan?

LOGAN: I understand, uh, what he is saying but I believe that, uh, the way the department interprets tolling is that it, uh, I think it stated on the conditions form that, um, periods he's unavailable for supervision, for example in jail, does not count towards his supervision period, uh, but it doesn't, it says the time doesn't count but is doesn't say, you know, you're not on supervision and then you're on and then you're off.

DALLUGE: My status though was inactive.

ALLEN: Okay.

LOGAN: So I guess, uh, I think the department's position is that the conditions he has to apply even though he is tolling like for example if he wasn't to use drugs and shouldn't do that whether he is in jail or tolling because he's not reporting, um, yes we don't have people report while they're in jail, we typically don't get urinalysis from them, or those kind of things but that's, uh, simply because it's, you know, not necessary. We, we know where they're at. We're assuming that, um, or believe that they're not able to access drugs, um, so it's just not feasible to actively supervise them at that time.

ALLEN: But there's nothing, is there anything that says you can't? So you, could you not come in to the jail and take a UA from an offender who's in custody or could you?

LOGAN: Right. We have done that. You know, if the jail requests or have some suspicion. They have asked us in the past, for somebody that's in jail, to come in and do a UA and we have (inaudible) and even know that they were in jail (inaudible).

ALLEN: Well, Mr. Dalluge, I understand your, um, your argument, however my understanding of supervision is the same as Mr. Logan's. If you're in jail you're supervision, while you may be inactive because you're not actually in the community, you're still bound by the conditions of your supervision as far as I understand it. Um, which means that, you know, if you're supposed obey all laws in the community you're supposed to obey all laws in the jail. So my understanding from your, uh, argument is not that your disputing you had these new convictions you're disputing that you shouldn't be held accountable of the violation because you were in jail. Is that right?

DALLUGE: I'm saying you guys don't have jurisdiction.

ALLEN: Right. You don't believe that. Okay.

DALLUGE: That's what (inaudible). Yes.

ALLEN: Yeah. Okay. And that's, that's certainly fine for you to believe that. My, my understanding is that that's not, that that's not correct. That you are still bound by the supervision requirements of your, of your sentence. So, at this point I'm going to enter a guilty finding and I'll ask the CO to, um, provide me with adjustment information. And my understanding is there is still a pending charge out there is that correct? You still have a pending charge?

DALLUGE: Um huh.

ALLEN: Okay. Another, a different charge?

DALLUGE: Yeah.

ALLEN: Okay.

LOGAN: Um, I think actually he's got three other (inaudible) pending.

ALLEN: Is that right?

LOGAN: Two in Grant County and one in Adams County.

DALLUGE: Um, yeah I think that's right.

ALLEN: What are those for?

DALLUGE: I still have my possession charge and then I have an Assault 2 in Adams County. I think got a Malicious Mischief too.

ALLEN: Okay.

LOGAN: That's what I understand.

ALLEN: Okay. Um, and you, are you on a bail on any of those or are you actually serving...

DALLUGE: I'm serving time. You see that's...

ALLEN: On your first...

DALLUGE: Yeah. I'm already serving like 4 years.

ALLEN: Okay. Alright so as far as the judgment then?

LOGAN: Um, well he's, he's basically been tolling since November 10, 2004. Uh, he has been since that time, um, incarcerated or not reporting. So it has been quite awhile that, uh, he hasn't been actively supervised in the community. He does, we noted he does have two convictions now they are going to, they've ordered 29 months on one count, 12 months on another, and 35 months on the other causes so some, some incarceration now for a while in the future. Um, and that's basically been his adjustment of late.

ALLEN: This is the third or second process depending on the case that we're talking about too Lt.

LOGAN: Right.

ALLEN: (inaudible) a hearing back in '03 and '05.

LOGAN: Right.

ALLEN: Okay. So, um, Mr. Dalluge, as far as the behaviors we're talking about, the malicious mischief and the assault, what was going on? Were you just, were you, did you get in a fight with somebody or did you...

DALLUGE: I'm not sure if really I can say anything because I am on appeal for them.

ALLEN: Oh, okay that's fine.

DALLUGE: And I don't, I, I, not that I don't want to say anything in my behalf. I just don't want it later to be used against me.

ALLEN: No problem. I understand. So as far as your adjustment, is there anything you want to say?

DALLUGE: I just say you know it's, man, it's new to me that, that you know, see as I see it is you guys kinda are making go, like I'm serving two sentences you know. I'm going in front of two different tribunals because I'm first getting sentenced under the RCW's to a sentence of a certain standard range...

ALLEN: For the crime.

DALLUGE: Yeah. And then I'm going in front of you guys and getting more time and then as...

ALLEN: That's typical.

DALLUGE: ...far as I know they're, they're splitting and, like I say, so I'm serving an extra, say you give me 60 days, I'm serving an extra two months on top of the 43 months that I'm already serving.

ALLEN: Um huh. I can see why that would feel like it's double the punishment, or whatever, but that is typical for people on supervision. You get a new conviction, you get a violation. They may be run at the same time, it depends on the court, they may be run differently. But you can get violated for, because you have two different jurisdictions over you at this point. You have the court for the new case and the DOC for your current cases and so that's just kind of the way it is. There's nothing we can do to change that at this point. Um, what is your recommendation?

LOGAN: I think the behavior response guide, um, we have like you said the third and second hearing depending on what cause you look at, um, targeted risks, and one, uh, RM-B, and so the response guide indicates 21-45 days confinement per violation. I, you know, if you look at what the reports indicate as far as what he was doing during these two incidences which were a day apart, uh, there was kind of engaging in riotous behavior breaking windows, breaking a phone, arming himself with pieces of phone, and, um. So then the jail had to call in like a response team. And he, um, kinda barricaded the door to make it difficult for them to come in but they did come in and, um, restrained him. And the next day, so he's downstairs in the segregation cell they have down here and I think he was in like a restraint chair and, uh, (inaudible) on that indicates he got upset about the way a female, uh, inmate was being treated and started voicing his objection and that escalated and he, uh, spit into the face of a corrections officers. That's where the Assault 3's from. So that, I mean that's pretty,

mean that's pretty, um, tend to be violent behavior and caused a lot of problems for the jail at the time. And so I, you know I think I'm pretty justified in that because of that recommending even 45 days per violation would be a total of 90. But I would, uh, considering the light that he's, you know going to be serving at least 35 months that I think 60 days is, um, appropriate recommendation.

ALLEN: Okay. And I see no other interventions that are recommended at this point because length of time.

LOGAN: Right.

ALLEN: Okay.

LOGAN: It's kind a hard to look at any alternatives cause, you know, (inaudible).

ALLEN: Okay. And Mr. Dalluge, uh, you said before I assume that you don't agree with the 60 days recommendation you already got the other sanctions or sentence to serve?

DALLUGE: Yeah.

ALLEN: Is there an alternative recommendation you would like to make?

DALLUGE: Not that, not really that you know I, I can think of (inaudible).

ALLEN: Okay.

DALLUGE: You know sorry Ms. Allen.

ALLEN: Oh, that's okay. It's your option to do that. So, you know, I guess, um, I don't know, other than what Mr. Logan's kind of read about the reports here and what was going on at that time it sounds to me like, um, between that and the other things you got going on you got a lot kind of muddling up the waters their in your life. You know one thing after the next. Um, you know you've been on supervision before. It's been a kind of long road between there and here in 34 months. When you look at that in total compared to a 60 days sanction, 60 days to me doesn't look like much. But I'm sure to you another 60 days is just that another 60 days and it just seems like it's over the top. However, on the other hand you know DOC can't, um, condone behavior that's assaultive or violent especially in a custody setting where somebody could easily get hurt, anybody else could have gotten hurt or involved in that. So I think the 60 days sanction is reasonable. I do note your previous sanctions process says you had a negotiated sanction back in '03 that was 11 days sanction and reporting for voluntary court and there was a dismissal without prejudice on possession of methamphetamine. In 7 of '05, July of '05, you had a violation for failing to report several times in Grant County. And then you had 15 day sanction in that week for

day sanction in that week for reporting and then after that apparently you were in custody on something else and then this all happened. Um, 60 days I think is certainly reasonable. I will go ahead impose that and just the basic report within one business day of release, which I'm sure you'll be instructed on that. Eventually you'll be released (inaudible).

DALLUGE: (Inaudible) might want to look at the previous, last thing (inaudible) reporting instructions on...

ALLEN: July?

LARSON: ...yeah, the July hearing which I don't think he has ever been released.

ALLEN: Oh, I see so you want me to...

DALLUGE: You just might want to piggy back what was on there before, which was report within one business day or as directed for...

ALLEN: For four weeks?

LARSON: Yeah. See there's no confusion about which he should follow.

ALLEN: Okay. Okay, is there supervision on these two new cases?

DALLUGE: I don't think so.

ALLEN: Do you know?

LARSON: I don't know. I'm pretty sure though there's some type.

ALLEN: I would imagine on at least on the assault there would be but. And this a (inaudible) rehearing for today's date, this is Thursday, correct? He's not being detained yet on this now?

LARSON: Yeah he's got 9-18 months on the assault.

ALLEN: Okay. What I do on here, um, 60 days of credit beginning today, comply with facility rules, report within one business day of release then weekly as directed for four weeks. On that, that's just the same as what was previously ordered so there's no confusion about that. At this point, um, do you have any questions of me?

DALLUGE: I was gonna ask something but...

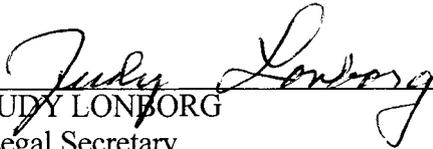
ALLEN: That's okay you can think about it.

DALLUGE: Oh, on, on this when, when I write my appeal should I keep a copy or will they send me a copy of what I send them, what I write in the appeal, when I send them. Like will they send me a copy back?

ALLEN: I don't think they send you a copy of your appeal back. I think you'd need to make your own copy. They'll send you a response back but I don't think they send you a copy of this back. Alright this one's concluded.

I, Judy Lonborg, hereby certify that I transcribed, to the best of my ability, a true and correct copy of the above Hearing from cassette tape.

EXECUTED this 20th day of September, 2006



JUDY LONBORG
Legal Secretary



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF CORRECTIONAL OPERATIONS
WESTERN HEARINGS RECORDS UNIT

1016 South 28th Street • Tacoma, WA 98409 • (253) 680-2712 • FAX (253) 597-4332

June 2, 2006

Amel Dalluge, DOC# 779283
Grant County Jail
PO Box 37
Ephrata WA 98823

Dear Mr. Dalluge:

This letter is in response to your inquiry regarding your 2/28/06 Hearing and Appeal.

Hearings Officer Allen has forwarded your appeal to us for processing however the reasons for your appeal are unclear. It seems you might be inquiring about ISRB jurisdiction however the Department and this Administrative Hearings Unit held your hearing, not the ISRB. This unit does have jurisdiction over your Grant County OAA Causes 02-1-00862-6 and 03-1-00986-8 to hear any violations.

If you have any other reasons for your appeal, please clearly outline them on the attached form and mail them to the address listed and I will process them to the panel. It will be accepted out of timeframes because of the first appeal being lost in the mail and the clarification needed for processing. Your appeal should be postmarked no later than, June 16th, 2006.

Sincerely,

Laura A. Dyer
Correctional Records Manager
Appeals Unit

cc: Hearings File

RECEIVED
SEP 08 2006
ATTORNEY GENERAL'S OFFICE
CRIMINAL JUSTICE DIV - OLYMPIA

"Working Together for SAFE Communities"

EXHIBIT 12



AMEL DALLUGE
OFFENDER NAME

779283
DOC NUMBER

I am appealing the decision of my Department of Corrections hearing, held on

LEWIS COUNTY DETENTION FACILITY
LOCATION

2/29/05 at
DATE

by KIMBERLY ALLEN for the following reasons:
HEARING OFFICER NAME

THE INTERMEDIATE SENTENCE REVIEW BOARD DOES NOT HAVE JURISDICTION WHEN AN OFFENDER'S COMMUNITY CUSTODY STATUS IS INACTIVE, WHEN AN OFFENDER ON COMMUNITY CUSTODY IS TOLLING, OR WHEN AN OFFENDER IS INCARCERATED. COMMUNITY CUSTODY DEALS WITH OFFENDER'S BEHAVIOR IN THE COMMUNITY/ THIS NET INSURES THE COMMUNITY'S SAFETY AGAINST VIOLENT OR REPEAT OFFENDERS.

This appeal must be mailed to the address listed below within seven (7) calendar days of receipt of the Hearing and Decision Summary. Appeals are heard approximately every two (2) weeks. Sanctions are NOT STAYED pending the outcome of an appeal.

DOC REGIONAL APPEALS PANEL
HEARINGS UNIT
1016 So. 28th ST. 3rd Floor
TACOMA WA 98409

*The contents of this document may be eligible for public disclosure.
Social Security Numbers are considered confidential information and will be redacted in the event of such a request.
This form is governed by Executive Order 00-03, RCW 42.17, and RCW 40.14.*

EXHIBIT 12

EXHIBIT 13



CONDITIONS, REQUIREMENTS, AND INSTRUCTIONS

OFFENDER DALLUGE, AMEL W.	DOC # 779283	FOS#	COUNTY/CAUSE # GRANT / 02-1-00862-6 GRANT / 03-1-00986-8
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Interstate Compact Supervision Type: Parole Probation Special:

I understand that under the provisions of RCW 9.94A or 9.95 or 9.95.270 or 10.77, I am subject to all conditions and requirements the Court/ Indeterminate Sentence Review Board/Department of Corrections (DOC) has imposed and that the terms of supervision can be revoked, modified, or changed at any time during the course of supervision. Furthermore, I understand that I am under the supervision of the Department of Corrections and that I must comply with the instructions of the Department herein. Should I violate any of these conditions, requirements or instructions, I understand that I may be brought before the Court/Indeterminate Sentence Review Board/Department of Corrections Hearing Officer for a hearing and/or imposition of additional sanctions.

STANDARD CONDITIONS:

- Secure written permission from the community corrections officer before leaving the state of Washington.
- Remain within a geographic area as directed by the Department of Corrections as follows: GRANT COUNTY OR AS DIRECTED BY SUPERVISING CCO
- Obtain written permission from the community corrections officer before traveling outside the county in which you reside, unless you have been advised in writing by your community corrections officer that it is not necessary to do so.
- Notify the community corrections officer before changing residence or employment.
- If sex offender who committed your crime(s) on or after 6/6/96, with a minor child victim, avoid contact with victim or minor children of similar age UNLESS authorized by the community corrections officer.
- Abide by written or verbal instructions issued by the community corrections officer.
- CCI and OAA Only:** Abide by any DOC imposed conditions:
 - OAA Only:** Obey all municipal, county, state, tribal, and federal laws.

COURT-ORDERED CONDITIONS/REQUIREMENTS:

02-1-00862-6 12 MONTHS COMMUNITY CUSTODY: REPORT TO CCO AS DIRECTED. PAY COURT FINES. NOTIFY CCO PRIOR TO CHANGING ADDRESS OR EMPLOYMENT. OBEY ALL LAWS. REMAIN WITHIN PRESCRIBED GEOGRAPHICAL BOUNDARIES SPECIFIED BY CCO.

DOC IMPOSED CONDITIONS: SHALL NOT CONSUME, PURCHASE OR TRANSPORT ALCOHOLIC BEVERAGES, WHILE ON COMMUNITY CUSTODY. SHALL NOT USE/POSSESS/DELIVER CONTROLLED SUBSTANCES WITHOUT A VALID PRESCRIPTION, WHILE ON COMMUNITY CUSTODY STATUS.

03-1-00986-8 12 MONTHS COMMUNITY CUSTODY: REPORT TO AND BE AVAILABLE FOR CONTACT WITH ASSIGNED CCO AS DIRECTED. WORK AT DOC APPROVED EDUCATION, EMPLOYMENT AND /OR COMMUNITY RESTITUTION. SHALL NOT USE, POSSESS, OR DELIVER ANY CONTROLLED SUBSTANCE EXCEPT BY VALID PRESCRIPTION. PAY SUPERVISION FEES AS DETERMINED BY DOC. PERFORM AFFIRMATIVE ACTS NECESSARY TO MONITOR COMPLIANCE WITH THE COURTS AS REQUIRED BY DOC.

FINANCIAL OBLIGATIONS: (NOT APPLICABLE TO FOS CASES)

The Court has ordered me to pay legal financial obligations, including accrued interest. I am required to make payments under the following cause numbers and in the amounts listed:

02-1-00862-6			
Restitution:	Court Costs:	\$171.40	Attorney Fees:
Fine:	Victim's Compensation:	\$500	Other:
Drug Fund:	Lab Fee:		TOTAL AS OF 9/30/04
			\$720.20

I agree to pay not less than \$10.00 per month beginning 10/04 to the Clerk of Grant County, located at PO BOX 37, EPHRATA, WA 98823 until my financial obligation is paid in full.

NOTICES:

• **Firearms:** I have been advised and understand if I have been convicted of a crime in category checked below, I am prohibited by law from owning, possessing, receiving, shipping, or transporting a firearm, ammunition, or explosives. I understand the prohibition extends to every sort of gun, rifle, or explosive device or similar device including the frame or receiver of firearms. I understand that this may also be a violation of my supervision per RCW 9.94A.120(16).

✓ Any Felony Offense

✓ Misdemeanor Offense (RCW 9.41.040, 10.99.020):

Includes the following misdemeanor offenses, when committed by one family or household member against another, committed on or after July 1, 1993:

Stalking* (RCW 9A.46.110)

Assault 4 (RCW 9A.36.041)

Reckless Endangerment 2 (RCW 9A.36.050)

Coercion (RCW 9A.36.070)

Violation of a Protective Order - No Contact (RCW 10.99.040)*, (RCW 26.50.060, 070, 130)

*Can also be a felony offense.

I further understand that I should seek legal advice if I wish to possess a firearm after I am discharged from supervision.

• **Debt:** I have been advised and understand that failure to make payments toward my legal financial obligations as scheduled can result in an increase in my monthly payment rate and/or referral of my case to the county clerk's office for collection. Should I fall behind in my monthly payment in an amount equal or greater than the amount payable for one month, the Department of Corrections may issue a Notice of Payroll Deduction. Without further notice, my employment earnings are subject to a Notice of Payroll Deduction and my earnings or property, or both, are subject to an Order to Withhold and Deliver. Any net proceeds obtained through either a Notice of Payroll Deduction or an Order to Withhold and Deliver will be applied to my court-ordered financial obligations. (Not Applicable to FOS Cases)

• **Grievance Procedure:** The DOC grievance procedures have been explained to me and I understand them.

Registration: I have been advised and understand the registration requirements for offenders. AD
Sign with Initials

• **Arrest, Search, and Seizure:** I am aware that I am subject to search and seizure of my person, residence, automobile, or other personal property if there is reasonable cause on the part of the Department of Corrections to believe that I have violated the conditions/requirements or instructions above.

• **Computerized Billing System:** I am aware I will receive a monthly bill from the Department of Corrections for each cause number on which I owe legal financial obligations. I understand I am to mail the stub along with my payment to the appropriate county clerk. (Not Applicable to FOS Cases)

Tolling: I have been advised that those periods that I am unavailable for supervision (i.e., in jail, on abscond status) will not count towards my supervision period. (FOS Cases subject to Home State rules regarding tolling.)

• **Imposed Conditions:** I am aware that I must submit a written request to my CCO within 24 hours of being served with a DOC Imposed Condition if I wish to appeal the condition.

• **Threats to Staff:** I am aware that if I threaten my Community Corrections Officer or other Department of Corrections staff or contractors, I may be arrested and charged under RCW 9.46.195 Obstruction of Public Servant, and that this may also be a violation of my supervision.

I have read or have had read, to me the foregoing conditions and sentence requirements which are applicable in my case. Each of these conditions/requirements have been explained to me and I hereby agree to comply with them.

• I have received a copy of the Judgment and Sentence on this cause. AD
Sign with Initials

03-1-00986-8

Restitution:	Court Costs:.....	\$407.70	Attorney Fees:	\$592.30
Fine:	Victim's Compensation:	\$500	Other:	\$100
Drug Fund:	Lab Fee:	\$100	TOTAL AS OF 9/30/04	\$1798.48

I agree to pay not less than \$30.00 per month beginning 10/04 to the Clerk of Grant County, located at PO BOX 37, EPHRATA, WA 98823 until my financial obligation is paid in full.

COMMUNITY SERVICE HOURS:

Complete _____ hours of community service at a rate of _____ hours per week month as directed by the Department of Corrections. Report as directed to the Department of Corrections.

REPORTING INSTRUCTIONS:

- I am required to report and be available for contact with the assigned community corrections officer as directed until instructed to no longer report, or a court order is issued closing the case.
- Failure to report and/or provide a valid address may result in the filing of escape charges if on community custody status.

AD
Sign with Initials

Report to:

MOSES LAKE Supervision Team (RMA/RMB CASELOAD):
Geronlmo Coronado, Tim Logan, Florentino Hernandez, Stephanie Canterbury
Address: 530 Interlake, Moses Lake, WA, 98837 / Phone: (509) 764-6180

OR:

EPHRATA DOC: (RMA/RMB) Michael Eby, Brandt Castleton, Laurie Peters
(RMC) Janie Coronado/Amanda Green
Address: 229 1st Avenue NW, Ephrata, WA, 98823 / Phone: (509) 754-6980

SPOKANE OMMU DOC (RMD): SEE RMD CONDITIONS ATTACHED.

(You will be notified within one week of your intake regarding what level of supervision you are and who will be supervising you. if you do not hear about your supervision level within one week, contact 509-754-6980.)

REPORTING INSTRUCTIONS: Report within 24 hours of release from ANY confinement or in-patient treatment, and thereafter, as directed by your Community Corrections Officer. It is your responsibility to contact DOC if you need to make an appointment for your monthly report.

COST OF SUPERVISION:

- I will be assessed a supervision fee of \$20 to \$40 monthly while on active supervision. The amount charged will vary depending on my supervision status and classification level. I will be sent a billing statement detailing my costs of supervision and the amount I am required to pay. **Beginning 10/04 I will mail my supervision fee payments only in the form of a cashier's check or money order, made payable to: The Department of Corrections, PO Box 9700, Olympia WA 98507-9700.** I will put my name and DOC number on every cashier's check or money order.

OFFENDER SIGNATURE † <i>Amel Jalluge</i>	DATE † 10/04/04
CURRENT ADDRESS † 550 CASTLE DR.	
CCO SIGNATURE <i>Amanda Green</i> CCO1	DATE 10/4/04
LOCATION Ephrata DOC/ Moses Lake DOC/ Grant County Jail/ WR	TELEPHONE (509) 754-6980

Distribution:

CCI/CCP ONLY:
FOS ONLY:

ORIGINAL - Offender File,
ORIGINAL - Central File,
ORIGINAL - Offender File,

COPY - Offender
COPY - Field File, Offender
COPY(2) - FOS Compact Administrator

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COMMUNITY CUSTODY NOTICE OF ALLEGATIONS,
HEARING, RIGHTS, AND WAIVER

OFFENDER NAME Amel Dalluge		DOC # 779283	DATE 2/22/06	PRESENT LOCATION Grant Co. Jail
Type of Hearing: (Check all that apply.)				
<input checked="" type="checkbox"/> Community Custody		<input type="checkbox"/> DOSA I		
<input type="checkbox"/> CCM		<input type="checkbox"/> DOSA II		
<input type="checkbox"/> Negotiated Sanction		<input type="checkbox"/> DOSA II Dispositional		
Violations alleged:				
1.) Failing to obey all laws, by committing malicious mischief, on or about 10/8/05.				
2.) Failing to obey all laws, by committing an assault on a law enforcement officer, on or about 10/9/05.				
You are hereby notified that a Department of Corrections hearing is scheduled for:				
HEARING DATE 2/28/06	TIME 1:30	<input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	LOCATION Grant Co. Jail	CAUSE (S)# 02-1-00862-6 03-1-00986-8

The Department of Corrections intends to present the following documents / reports and / or call the following witnesses during the hearing:

Judgment and Sentences for above Causes, Report of Alleged Violation, Conditions form, and Judgment and Sentences for Causes 05-1-00755-1 and 05-1-00754-3

You have been charged with the above alleged violations of your community custody conditions. You have the following rights:

- ◆ To receive written notice of the alleged violations of your conditions / requirements of supervision.
- ◆ To have an electronically recorded, community custody hearing conducted within five (5) working days of service of this notice. However, if you have not been placed in confinement, the hearing will be conducted within fifteen (15) calendar days of service of this notice.
- ◆ To have a neutral and detached hearing officer conduct your hearing.
- ◆ To examine, no later than twenty-four (24) hours before the hearing, all supporting documentary evidence which the Department of Corrections intends to present during the hearing.
- ◆ To admit to any or all of the allegations. This may limit the scope of the hearing.
- ◆ To be present during the fact-finding and disposition phases of the hearing.
- ◆ To present your case to the Hearing Officer. If there is a language or communication barrier, the Hearing Officer may appoint someone to interpret or otherwise assist you. However, no other person may represent you in presenting your case. There is no right to an attorney or counsel.
- ◆ To confront and cross-examine witnesses appearing and testifying at the hearing.
- ◆ To testify during the hearing or to remain silent. Your silence will not be held against you.
- ◆ To have witnesses provide testimony on your behalf, either in person, or in a witnessed statement / affidavit. However, if an in-custody hearing, outside witnesses may be excluded due to facility concerns. In those situations telephonic testimony may be accepted. The Hearing Officer may also exclude persons from the hearing upon a finding of good cause. In addition, the Hearing Officer may exclude a witness from testifying at a hearing or may require a witness to testify outside of your presence when there is a substantial likelihood that the witness will not be able to give effective, truthful testimony in your presence during the hearing. In either event, you may submit a list of questions to ask the witness(es). Testimony may be limited to evidence relevant to the issues under consideration.
- ◆ To receive a written Hearing and Decision Summary including the evidence presented; a finding of guilty or not guilty; and the reasons to support the findings of guilt; and the sanction imposed, immediately following the hearing or, in the event of a deferred decision, within two (2) working days.
- ◆ To receive a copy of the full Department of Corrections Hearing Report.
- ◆ To obtain a copy of the audio recording of the hearing, you must provide a blank 60 min. audio tape to be used for this purpose.
- ◆ To appeal to the Regional Appeals Panel, in writing, within seven (7) calendar days of your receipt of the Hearing and Decision Summary. You may also file a personal restraint petition to appeal the Department's final decision through the Court of Appeals.

Amel Dalluge 779283
Page 1 of 2

- ◆ If I waive my right to be present at the hearing, I understand that the Department of Corrections may conduct the hearing in my absence and may impose sanctions that could include loss of my liberty.
- ◆ To waive any or all of the above rights.

DOC REGIONAL A 4LS PANEL
 1016 So 28th ST. 3rd Floor
 Tacoma, WA 98409

I have read and understand the allegation(s), the hearing notice, and my rights as described:

OFFENDER SIGNATURE <i>Amel Dalluge</i>	DATE 2/23/06	TIME 3:25
WITNESS SIGNATURE / POSITION <i>Tur Joga</i>	DATE 2/23/06	TIME 3:25pm

Admission to Allegations

I admit to the following allegations:

OFFENDER SIGNATURE	DATE	TIME
WITNESS SIGNATURE / POSITION	DATE	TIME

In admitting the violation(s) and waiving the hearing, I understand that the Department of Corrections may still schedule and conduct a hearing to accept my waiver. I further understand that if I am found guilty, the Department may respond by imposing:

1. The existing supervision plan; or
2. The existing supervision plan plus increased monitoring, treatment, or programming; or
3. Placement in a work release or pre-release facility, or total confinement in a jail or prison facility, as well as the existing supervision and any additional reporting or program enhancement ; or
4. Recommend that the Sentencing Court, if appropriate and / or applicable, take further action.

Waiver of Hearing

OFFENDER SIGNATURE	DATE	TIME
WITNESS SIGNATURE / POSITION	DATE	TIME

TL/tl/09-231.doc
 2/22/06

Distribution: **ORIGINAL** - Hearing File **COPY** - Offender, Field File

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 Social Security Numbers are considered confidential information and will be redacted in the event of such a request.
 This form is governed by Executive Order 00-03, RCW 42.17, and RCW 40.14.*

Amel Dalluge 779283
 Page 2 of 2