

NO. 81600-0

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re Personal Restraint Petition of

MONTGOMERY MANRO,

Petitioner.

**SUPPLEMENTAL BRIEF OF RESPONDENT
STATE OF WASHINGTON**

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A. AUTHORITY FOR RESTRAINT OF PETITIONER

Montgomery Manro is restrained pursuant to judgment and sentence in King County Superior Court No. 02-C-03980-1 SEA.

Appendix A.¹

B. ISSUES PRESENTED

1. Whether the Court of Appeals properly dismissed this petition as moot where the court can no longer grant effective relief.

2. Whether this petition should be dismissed where the presence of an adult misdemeanor as opposed to a juvenile misdemeanor in petitioner's criminal history does not constitute a fundamental defect that inherently results in a complete miscarriage of justice, or "restraint" as defined by RAP 16.4(b).

C. STATEMENT OF THE CASE

1. SUBSTANTIVE FACTS

On March 30, 2002, the victims Sean Machak and Kaleka Ho'okano were walking through a park in downtown Kirkland. They had parked their car and were cutting through the park to go to the

¹ Appendices A-D referenced herein were attached to the State's Response to Personal Restraint Petition filed December 7, 2007. Appendices E-H are attached hereto.

waterfront. 12/4/02 RP 165-66. Both Machak and Ho'okano were in high school at the time. 11/18/02 RP 84. Machak was walking on aluminum crutches because he had broken his foot while snowboarding. 11/18/02 RP 90; 12/4/02 RP 164-65. Machak and Ho'okano walked past Manro and his co-defendants, who were drinking beer in their cars in the parking lot. 11/18/02 RP 90; 12/3/02 RP 46-51. Manro's group yelled insults at Machak and Ho'okano, and Ho'okano turned around. 11/18/02 RP 91-92.

An altercation ensued, and Gipson pushed Ho'okano while Manro came up from behind him and punched him in the face. 12/3/02 RP 53. Gipson, Conley, and Sigurdson surrounded Machak and took away his crutches. 11/18/02 RP 94; 11/26/02 RP 75-77. Manro threatened Ho'okano and indicated that he had a gun, so Ho'okano fled and Manro chased him. 11/18/02 RP 95-96; 11/26/02 RP 74. Meanwhile, Gipson and Conley beat Machak to the ground with his own crutches as Sigurdson beat him with a wooden bat that belonged to Manro. 11/18/02 RP 94-95; 11/26/02 RP 77-78; 12/3/02 RP 59. Manro stopped chasing Ho'okano, ran back toward the group, and stomped on Machak's head. 11/26/02 RP 80-81. Manro and his co-defendants fled the scene of the attack in their cars. 11/26/02 RP 81; 12/3/02 RP 63.

After the attack, Machak lay on the ground, foaming at the mouth and having a seizure. 11/18/02 RP 97. Aid personnel at the scene immediately recognized that Machak had suffered a serious head injury. 11/21/02 RP 4-10. Machak was admitted to Harborview, where he was diagnosed with a skull fracture and corresponding traumatic brain injury. 12/9/02 RP 8-12. As a result, Machak was paralyzed on the right side of his body. 11/25/02 RP 132. Through extensive rehabilitative therapy, Machak made an excellent recovery given the nature of his injuries. 11/25/02 RP 139. But due to motor control problems on his right side, he continued to have difficulty writing, playing football, and playing musical instruments. 12/5/02 RP 17-20.

In the days following the assault, the police had no suspects and few leads. Manro, Gipson and Conley saw reports of the attack in the news media, and had several discussions about turning themselves in; they did not include Sigurdson in these discussions. 11/25/02 RP 19; 12/3/02 RP 68-74. Manro, Gipson and Conley turned themselves in on April 2, 2002. 12/3/02 RP 69. All three gave statements to the police, and all three denied causing any serious injury to Sean Machak. 11/21/02 RP 88-89, 194-96; 11/25/02 RP 14-16.

2. PROCEDURAL FACTS

Manro and his three co-defendants were charged by information with the crime of assault in the first degree with a deadly weapon (Count I). Manro and another co-defendant were also charged with assault in the fourth degree (Count II). Although all the defendants were juveniles, the charges were filed in adult court due to the automatic decline provisions of RCW 13.04.030.

A jury trial was held, and Manro's three co-defendants were convicted of assault in the first degree with a deadly weapon as to Count I. The jury only found Manro guilty of two counts of assault in the fourth degree as to each count. Appendix F. The jury reached no verdict in regard to the assault in the first degree charge as to Count I. Appendix E and F, attached hereto.

Manro turned 18 before the trial was completed. Appendix B, Opinion at 3.² After the jury's verdicts, Manro's case was not returned to juvenile court. Manro was sentenced in adult court to a suspended sentence with seven months of incarceration and 240 hours of community service. Appendix A.

²Manro turned 18 on October 13, 2002. 9/26/02 RP 7. A motion to exclude witnesses was made on October 9, 2002, and then the trial was continued to October 22, 2002. RP 10/9/02 14. Jury selection began on November 5, 2002 and concluded on November 14, 2002. The jury returned its verdicts on December 16, 2002. Appendix F.

Manro appealed. The Court of Appeals affirmed the conviction and sentence, holding that adult court had jurisdiction to sentence Manro for assault in the fourth degree. This Court denied review on October 5, 2005. Mandate issued on November 18, 2005. Appendix B.

On December 16, 2005, the superior court ordered Manro to report to the King County Jail and commence serving his sentence on February 14, 2006. Appendix C.

On December 27, 2005, Manro filed this petition in the superior court. The petition was transferred to the Court of Appeals for consideration as a personal restraint petition on January 19, 2006. The Court of Appeals stayed the petition pending resolution of State v. Posey, No. 78043-9, in this Court. Manro was booked into the King County Jail on February 14, 2006, and released on July 1, 2006, after having completed his jail term. Appendix D.

This Court issued its decision in State v. Posey, 161 Wn.2d 638, 167 P.3d 560 (2007), over a year later on September 20, 2007. This Court held that pursuant to the automatic decline statute in effect in 2002, when a juvenile is acquitted of the charge that triggered automatic decline, the adult court's sentencing jurisdiction is terminated and the case must be remanded to

juvenile court for a decline hearing or sentencing, thus overturning the Court of Appeals holding in State v. Manro. Id. at 647.

D. ARGUMENT

1. THE COURT OF APPEALS PROPERLY DISMISSED THIS PETITION AS MOOT WHERE THE COURTS CAN NO LONGER PROVIDE EFFECTIVE RELIEF.

In this collateral attack, Montgomery Manro requests relief from his adult convictions for two counts of assault in the fourth degree. The Court of Appeals properly concluded that the petition is moot because the court can no longer provide effective relief: a juvenile adjudication is impossible, a new adult trial is unwarranted, and a new adult sentencing proceeding would be pointless where Manro has already completed his sentence. The Court of Appeals decision dismissing this petition as moot should be affirmed.

It is not altogether clear what relief Manro is seeking.³

Nonetheless, a case is moot if a court can no longer provide

³ In his Reply Brief in the Court of Appeals Manro argued that his remedy, if adult jurisdiction was improper, would be a new trial in adult court. Reply Brief of Petitioner, at 11. In his Motion for Discretionary Review, he argued for imposition of a juvenile disposition order. Motion for Discretionary Review, at 10. However, in his Motion for Discretionary Review Petitioner's Reply, he cites at length from Dillenburg v. Maxwell, 70 Wn.2d 331, 422 P.2d 783 (1966), where the remedy was determined to be a new trial in adult court.

effective relief. State v. Ross, 152 Wn.2d 220, 228, 95 P.3d 1225 (2004). The Court of Appeals properly concluded that Manro's petition is moot because no effective relief can be provided. First, a juvenile disposition cannot be entered because the juvenile court has no jurisdiction over 24-year-old Manro. Second, a new trial in adult court is unwarranted because the initial trial was properly held in adult court. Finally, a new sentencing hearing in adult court would be pointless because Manro has already completed his sentence.

There is no dispute that Manro was properly tried in adult court and lawfully convicted by a jury of the lesser included crime of assault in the fourth degree.⁴ There is no dispute that Manro was 18 years old when these convictions occurred. If this Court's subsequent decision in Posey had applied to him at the time of his conviction, his case would have been remanded to the juvenile court for a decline hearing or sentencing. Posey, 161 Wn.2d at 647. The State could have requested that the juvenile court decline jurisdiction over the assault in the fourth degree convictions,

⁴ See RCW 13.40.030(1)(e)(v)(A), which provides that the adult court has exclusive original jurisdiction if a juvenile is sixteen or seventeen years old at the time of the alleged offense and is charged with a serious violent offense such as assault in the first degree.

and if the court had done so, Manro would have been sentenced as an adult. Id. at 649. If the State had not pursued a decline hearing, or if the juvenile court refused to decline jurisdiction, Manro would have received a juvenile disposition. Id. See also RCW 13.04.030(1)(e)(v)(E)(II).⁵

A return to juvenile court for disposition is no longer possible due to Manro's age. This Court's decision in In re Personal Restraint Petition of Dalluge, 152 Wn.2d 772, 100 P.3d 279 (2004), is instructive. In Dalluge, this Court held that the trial of the juvenile defendant had been improperly held in adult court because the State reduced the charges prior to trial from a serious violent offense to an offense that no longer resulted in automatic adult criminal court jurisdiction. Id. at 785. The remaining question for this Court was what remedy was available when the defendant had since turned 18. This Court held that the appropriate remedy was remand for a decline hearing in adult court as to whether

⁵ RCW 13.04.030(1)(e)(v)(E)(II) provides, in relevant part: "The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile. . .is convicted in the adult criminal court of a lesser included offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall enter an order extending juvenile court jurisdiction if the juvenile has turned eighteen years of age during the adult criminal court proceedings pursuant to RCW 13.40.300. However, once the case is returned to juvenile court, the court may hold a decline hearing pursuant to RCW 13.40.110 to determine whether to retain the case in juvenile court for the purpose of disposition or return the case to adult criminal court for sentencing."

declination of juvenile jurisdiction would have been appropriate. Id. If the adult court made a determination that decline of juvenile jurisdiction would have been appropriate, the adult conviction would stand. Id. at 786. If the court made a determination that decline would not have been appropriate, the conviction would be set aside and a new trial would be held in adult criminal court. Id. Either way, because the defendant was over the age of 18, the juvenile court had no jurisdiction and all further proceedings were to occur in adult court. Id. at 787; Dillenburg v. Maxwell, 70 Wn.2d at 355. Likewise, in the present case, the juvenile court can have no jurisdiction in this case because Manro is now 24 years old, and juvenile court jurisdiction may not be extended beyond the juvenile's twenty-first birthday. RCW 13.40.300(3). It is impossible for Manro to obtain a juvenile adjudication at this point.

A new trial in adult court is unwarranted because Manro was properly tried in adult court. The trial properly occurred in adult court because Manro was charged with a serious violent offense, which the jury considered, but on which they were unable to reach a unanimous verdict. Manro's case is thus distinguishable from Dalluge, as recognized by the Court of Appeals. In Dalluge, if on remand the court concluded that declination would not have been

appropriate, then a new trial would be warranted because the initial trial had been improperly held in adult court. As the Court of Appeals noted, in this case, even if the matter had been remanded back to juvenile court after the jury's verdict, "Manro would have been entitled only to a determination of whether he should have been sentenced in juvenile court or in adult court, not a new trial." Opinion, at 8. Because there was no error in trying Manro in the adult court, a new trial is not warranted.⁶ At most, pursuant to the underlying reasoning in Dalluge, Manro would be entitled to a new sentencing hearing, since the only error that occurred was the exercise of the adult court's jurisdiction at sentencing. However, as in Dalluge, any new sentencing hearing must occur in adult court due to Manro's age.

⁶ It should be noted that a new trial in adult court would subject Manro to greater jeopardy. The jury did not acquit Manro of the greater charge of assault in the first degree, but left that verdict form blank. Appendix E and F. The jury is presumed to follow the court's instructions. State v. Daniels, 160 Wn.2d 256, 264, 156 P.3d 905 (2007), *adhered to on reconsideration*, ___ Wn.2d ___, 200 P.3d 711 (2009). By leaving the verdict form for assault in the first degree blank, the jury indicated that they were unable to agree on a verdict as to that charge. Id. As such, jeopardy has not terminated on the greater charge of assault in the first degree, and should a new trial be commenced Manro may be retried for assault in the first degree. Id. at 265. If this Court were to vacate Manro's conviction for lesser included offense of assault in the fourth degree for any reason other than insufficient evidence, the State would be free to retry Manro in adult court for assault in the first degree. Id. at 265.

This Court can no longer provide effective relief to Manro.
The Court of Appeals properly dismissed this petition as moot.

2. PETITIONER HAS FAILED TO ESTABLISH THAT HIS CONVICTIONS CONSTITUTE A FUNDAMENTAL DEFECT RESULTING IN A COMPLETE MISCARRIAGE OF JUSTICE, OR THAT HIS CONVICTIONS CONSTITUTE UNLAWFUL RESTRAINT PURSUANT TO RAP 16.4.

An appellate court will grant substantive review of a personal restraint petition only when the petitioner makes a threshold showing of constitutional error from which he has suffered actual prejudice or nonconstitutional error which constitutes a fundamental defect that inherently resulted in a complete miscarriage of justice. In re Personal Restraint of Cook, 114 Wn. 2d 802, 813, 792 P.2d 506 (1990). In a personal restraint petition, petitioner bears the burden of showing prejudicial error. State v. Brune, 45 Wn. App. 354, 363, 725 P.2d 454 (1986).

There is no constitutional right to be tried as a juvenile, and thus the error alleged in this case is not constitutional. State v. Warner, 125 Wn.2d 876, 889, 889 P.2d 479 (1995). In order to be entitled to relief, Manro must establish that the entry of the judgment in this case constitutes a fundamental defect that

inherently results in a complete miscarriage of justice. The fundamental defect standard is on its face an unusually high standard. Petitioner must do more than identify an error in the proceedings. He must establish that the error has resulted in a complete miscarriage of justice. For example, in In re Personal Restraint of Fleming, 129 Wn.2d 529, 919 P.2d 66 (1996), this Court concluded that a restitution order that had been entered outside the statutory time period did not constitute a fundamental defect that inherently results in a complete miscarriage of justice.

Moreover, in order to be entitled to relief by personal restraint petition pursuant to RAP 16.4(a), petitioner must establish that he is currently under unlawful "restraint." "Restraint" is defined as "limited freedom," "confinement," "imminent confinement" or "some other disability resulting from a judgment and sentence in a criminal case." RAP 16.4(b).

In the present case, Manro has failed to establish that his adult misdemeanor convictions, as opposed to juvenile misdemeanor adjudications that he *might*⁷ have received, constitute a fundamental defect that inherently results in a complete

⁷ It is important to keep in mind that even if a decline hearing been held as now required by Posey, Manro might still have been sentenced as an adult.

miscarriage of justice, or restraint as defined by RAP 16.4(b). For purposes of calculating his offender score for any future felony offenses, neither adult assault misdemeanor convictions or juvenile assault misdemeanor adjudications would be included in the offender score for any offenses, and thus the adult misdemeanor convictions are not an additional disability. RCW 9.94A.525.⁸ Likewise, for purposes of the Federal Sentencing Guidelines, which are advisory, offenses committed prior to the age of eighteen are counted the same whether they are adult or juvenile sentences so long as the sentence of imprisonment did not exceed one year and one month. U.S.S.G. 4A1.2(d).⁹

For purposes of having his convictions vacated, the adult convictions do not create any additional disability. Pursuant to RCW 9.96.060, Manro could have requested that the superior court vacate his misdemeanor convictions if he completed all the terms of his sentence, had no criminal charges pending against him, and

⁸ Assault in the fourth degree is not defined as a "violent offense" pursuant to RCW 9.94A.030(50) and is thus not subject to any special scoring rules.

⁹ U.S.S.G. 4A1.2(d)(2)(A) would be applicable and provides "add 2 points under § 4A1.1(b) for each adult or juvenile sentence to confinement of at least sixty days if the defendant was released from such confinement within five years of his commencement of the instant offense." As such, Manro's convictions would count the same whether the sentence was an adult or juvenile sentence, and will not be counted if he commits no federal offenses before July, 2011.

was not convicted of any new crimes since the date of conviction. If he was eligible to have the convictions vacated, Manro would be "released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction." RCW 9.96.060(3). Moreover, "[f]or all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under subsection (1) of this section may state that he or she has never been convicted of that crime." RCW 9.96.060(3). However, Manro is not eligible for vacation of his adult convictions due to the commission of subsequent crimes.¹⁰

The juvenile statute governing the sealing of juvenile records has similar standards. RCW 13.50.050(12) allows the juvenile court to grant a motion to seal records of gross misdemeanors only if "since the last date of release from confinement . . . the person has spent two consecutive years in the community without

¹⁰ Manro is not eligible for vacation of his adult convictions due to a driving under the influence charge that is pending in King County District Court and the fact that he was previously convicted of driving under the influence in February 2007. Appendix G and H.

committing any offense or crime that subsequently results in conviction." Like the adult statute, the juvenile sealing statute also requires that no criminal proceeding be pending. RCW 13.50.050(12)(b). Manro is not eligible for sealing under this statute due to pending charges. Appendix G.

Thus, for purposes of computing criminal history for future offenses, and for purposes of the opportunity to have those convictions vacated, the fact that these were adult convictions rather than juvenile adjudications creates no additional disability in this case, and does not constitute a fundamental defect that inherently results in a complete miscarriage of justice. His petition was properly dismissed.

E. CONCLUSION

The Court of Appeals dismissal of this personal restraint petition should be affirmed.

DATED this 3rd day of April, 2009.

Respectfully submitted,

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APPENDIX E

**CERTIFIED
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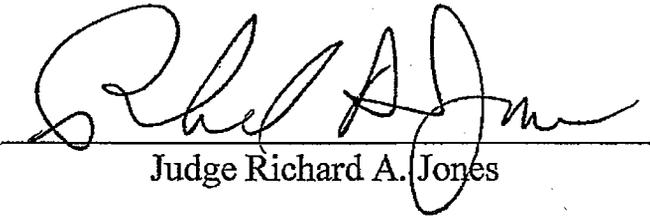
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

The Honorable Richard A. Jones

State of Washington,	)	No. 02-1-03979-7 SEA
	)	02-1-03980-2 SEA
Plaintiff,	)	02-1-03981-9 SEA
	)	02-1-03982-7 SEA
v.)	
)	
Michael Gipson)	
Montgomery Manro)	
James Conley)	
Adam Sigurdson,)	
)	
Defendants.)	

COURT'S INSTRUCTIONS TO THE JURY

Date: 12/10/02



Judge Richard A. Jones

No. 1

It is your duty to determine which facts have been proved in this case from the evidence produced in court. It also is your duty to accept the law from the court, regardless of what you personally believe the law is or ought to be. You are to apply the law to the facts and in this way decide the case.

The order in which these instructions are given has no significance as to their relative importance. The attorneys may properly discuss any specific instructions they think are particularly significant. You should consider the instructions as a whole and should not place undue emphasis on any particular instruction or part thereof.

A charge has been made by the prosecuting attorney by filing a document, called an information, informing the defendant of the charge. You are not to consider the filing of the information or its contents as proof of the matters charged.

The only evidence you are to consider consists of the testimony of witnesses and the exhibits admitted into evidence. It has been my duty to rule on the admissibility of evidence. You must not concern yourselves with the reasons for these rulings. You will disregard any evidence that either was not admitted or that was stricken by the court. You will not be provided with a written copy of testimony during your deliberations. Any exhibits

admitted into evidence will go to the jury room with you during your deliberations.

In determining whether any proposition has been proved, you should consider all of the evidence introduced by all parties bearing on the question. Every party is entitled to the benefit of the evidence whether produced by that party or by another party.

You are the sole judges of the credibility of the witnesses and of what weight is to be given to the testimony of each. In considering the testimony of any witness, you may take into account the opportunity and ability of the witness to observe, the witness's memory and manner while testifying, any interest, bias or prejudice the witness may have, the reasonableness of the testimony of the witness considered in light of all the evidence, and any other factors that bear on believability and weight.

The attorneys' remarks, statements and arguments are intended to help you understand the evidence and apply the law. They are not evidence. Disregard any remark, statement or argument that is not supported by the evidence or the law as stated by the court.

The attorneys have the right and the duty to make any objections that they deem appropriate. These objections should not influence you, and you should make no assumptions because of objections by the attorneys.

The law does not permit a judge to comment on the evidence in any way. A judge comments on the evidence if the judge indicates, by words or conduct, a personal opinion as to the weight or believability of the testimony of a witness or of other evidence. Although I have not intentionally done so, if it appears to you that I have made a comment during the trial or in giving these instructions, you must disregard the apparent comment entirely.

You have nothing whatever to do with any punishment that may be imposed in case of a violation of the law. The fact that punishment may follow conviction cannot be considered by you except insofar as it may tend to make you careful.

You are officers of the court and must act impartially and with an earnest desire to determine and declare the proper verdict. Throughout your deliberations you will permit neither sympathy nor prejudice to influence your verdict.

No. 2

The defendant has entered a plea of not guilty. That plea puts in issue every element of the crime charged. The State is the plaintiff and has the burden of proving each element of the crime beyond a reasonable doubt.

A defendant is presumed innocent. This presumption continues throughout the entire trial unless during your deliberations you find it has been overcome by the evidence beyond a reasonable doubt.

A reasonable doubt is one for which a reason exists and may arise from the evidence or lack of evidence. It is such a doubt as would exist in the mind of a reasonable person after fully, fairly and carefully considering all of the evidence or lack of evidence. If, after such consideration, you have an abiding belief in the truth of the charge, you are satisfied beyond a reasonable doubt.

INSTRUCTION NO. 3

The defendant is not compelled to testify, and the fact that the defendant has not testified cannot be used to infer guilt or prejudice him in any way.

INSTRUCTION NO. 4

You may give such weight and credibility to any alleged out-of-court statements of a defendant as you see fit, taking into consideration the surrounding circumstances.

INSTRUCTION NO. 5

You may not consider a statement made out of court by one defendant as evidence against a codefendant.

No. 6

Evidence may be either direct or circumstantial. Direct evidence is that given by a witness who testifies concerning facts that he or she has directly observed or perceived through the senses. Circumstantial evidence is evidence of facts or circumstances from which the existence or nonexistence of other facts may be reasonably inferred from common experience. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. One is not necessarily more or less valuable than the other.

No.

7

A witness who has special training, education or experience in a particular science, profession or calling, may be allowed to express an opinion in addition to giving testimony as to facts. You are not bound, however, by such an opinion. In determining the credibility and weight to be given such opinion evidence, you may consider, among other things, the education, training, experience, knowledge and ability of that witness, the reasons given for the opinion, the sources of the witness' information, together with the factors already given you for evaluating the testimony of any other witness.

No. 8

A separate crime is charged against one or more of the defendants in each count. The charges have been joined for trial.

You must decide the case of each defendant or each crime charged against that defendant separately. Your verdict on any count as to any defendant should not control your verdict on any other count or as to any other defendant.

All of the instructions apply to each defendant unless a specific instruction states that it applies only to a specific defendant.

No. 9

An assault is an intentional touching or striking or cutting of another person, with unlawful force, that is harmful or offensive regardless of whether any physical injury is done to the person. A touching or striking or cutting is offensive if the touching or striking or cutting would offend an ordinary person who is not unduly sensitive.

An assault is also an act, with unlawful force, done with intent to inflict bodily injury upon another, tending but failing to accomplish it and accompanied with the apparent present ability to inflict the bodily injury if not prevented. It is not necessary that bodily injury be inflicted.

An assault is also an act, with unlawful force, done with the intent to create in another apprehension and fear of bodily injury, and which in fact creates in another a reasonable apprehension and imminent fear of bodily injury even though the actor did not actually intend to inflict bodily injury.

No.

10

A person commits the crime of assault in the first degree when, with intent to inflict great bodily harm, he or she assaults another and inflicts great bodily harm or assaults another with a deadly weapon or by any force or means likely to produce great bodily harm or death.

No. 11

A person acts with intent or intentionally when acting with the objective or purpose to accomplish a result which constitutes a crime.

INSTRUCTION NO. 12

Great bodily harm means bodily injury that creates a probability of death, or that causes a significant permanent loss or impairment of the function of any bodily part or organ.

No.

13

Deadly weapon means any weapon, device, instrument, substance or article, which under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or substantial bodily injury.

No. 14

To convict the defendant of the crime of assault in the first degree, as charged in count I, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about the 30th day of March, 2002, the defendant assaulted Sean Machak;

(2) That the defendant acted with intent to inflict great bodily harm;

(3) That the assault

(a) was committed with a deadly weapon or by a force or means likely to produce great bodily harm or death; or

(b) resulted in the infliction of great bodily harm; and

(4) That the acts occurred in the State of Washington.

If you find from the evidence that elements (1), (2) and (4), and either element (3)(a) or element (3)(b) have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty as to count I. Elements (3)(a) and (3)(b) are alternatives and only one need be proved. You need not be unanimous as to whether (3)(a) or (3)(b) has been proven, so long as you all agree that either has been proven beyond a reasonable doubt.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty as to count I.

A person who is an accomplice in the commission of a crime is guilty of that crime whether present at the scene or not.

A person is an accomplice in the commission of a crime if, with knowledge that it will promote or facilitate the commission of the crime, he or she either:

(1) solicits, commands, encourages, or requests another person to commit the crime; or

(2) aids or agrees to aid another person in planning or committing the crime.

The word "aid" means all assistance whether given by words, acts, encouragement, support, or presence. A person who is present at the scene and ready to assist by his or her presence is aiding in the commission of the crime. However, more than mere presence and knowledge of the criminal activity of another must be shown to establish that a person present is an accomplice.

INSTRUCTION

16

No act committed by a person while in a state of voluntary intoxication shall be deemed less criminal by reason of his condition, but whenever the actual existence of any particular mental state is a necessary element to constitute a particular species or degree of crime, the fact of his intoxication may be taken into consideration in determining such mental state.

INSTRUCTION NO. 17

If you are not satisfied beyond a reasonable doubt that the defendant is guilty of the crime charged, the defendant may be found guilty of any lesser crime, the commission of which is necessarily included in the crime charged, if the evidence is sufficient to establish the defendant's guilt of such lesser crime beyond a reasonable doubt.

The crime of assault in the first degree necessarily includes the lesser crime(s) of assault in the second degree, assault in the third degree, and assault in the fourth degree.

When a crime has been proven against a person and there exists a reasonable doubt as to which of two or more degrees that person is guilty, he or she shall be convicted only of the lowest degree.

No.

18

A person commits the crime of assault in the second degree when under circumstances not amounting to assault in the first degree he intentionally assaults another and thereby recklessly inflicts substantial bodily harm or assaults another with a deadly weapon.

INSTRUCTION NO. 19

A person is reckless or acts recklessly when he or she knows of and disregards a substantial risk that a wrongful act may occur and the disregard of such substantial risk is a gross deviation from conduct that a reasonable person would exercise in the same situation.

Recklessness also is established if a person acts intentionally or knowingly.

No.

20

Substantial bodily harm means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or that causes a fracture of any bodily part.

No. 21

To convict the defendant of the crime of assault in the second degree as a lesser included crime of assault in the first degree as charged in count I, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about the 30th day of March, 2002, the defendant:

(a) intentionally assaulted Sean Machak
and thereby recklessly inflicted
substantial bodily harm; or

(b) assaulted Sean Machak with a deadly weapon; and

(2) That the acts occurred in the State of Washington.

If you find from the evidence that element (2) and either element (1)(a) or (1)(b) have been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty as to count I. Elements (1)(a) and (1)(b) are alternatives and only one need be proved. You need not be unanimous as to whether elements (1)(a) or (1)(b) has been proven, so long as you all agree that either has been proven beyond a reasonable doubt.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty as to count I.

INSTRUCTION NO.

22

A person commits the crime of assault in the third degree when under circumstances not amounting to assault in either the first or second degree he or she, with criminal negligence causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm, or with criminal negligence causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering.

INSTRUCTION NO. 23

Bodily injury, physical injury or bodily harm means physical pain or injury, illness or an impairment of physical condition.

INSTRUCTION NO. 24

A person is criminally negligent or acts with criminal negligence when he or she fails to be aware of a substantial risk that a wrongful act may occur and the failure to be aware of such substantial risk constitutes a gross deviation from the standard of care that a reasonable person would exercise in the same situation.

Criminal negligence is also established if a person acts intentionally or knowingly or recklessly.

INSTRUCTION NO. 25

A person knows or acts knowingly or with knowledge when he or she is aware of a fact, circumstance or result which is described by law as being a crime, whether or not the person is aware that the fact, circumstance or result is a crime.

If a person has information which would lead a reasonable person in the same situation to believe that facts exist which are described by law as being a crime, the jury is permitted but not required to find that he or she acted with knowledge.

Acting knowingly or with knowledge also is established if a person acts intentionally.

INSTRUCTION NO. 26

To convict the defendant of the crime of assault in the third degree, each of the following elements of the crime must be proved beyond a reasonable doubt:

- (1) That on or about the 30th day of March, 2002, the defendant caused bodily harm to Sean Machak;
- (2) That the physical injury was caused by a weapon or other instrument or thing likely to produce bodily harm;
- (3) That the defendant acted with criminal negligence; and
- (4) That the acts occurred in the State of Washington.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. 27

A person commits the crime of assault in the fourth degree when he or she commits an assault not amounting to assault in either the first, second, or third degree.

INSTRUCTION NO. 28

To convict the defendant of the crime of assault in the fourth degree, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about the 30th day of March, 2002, the defendant assaulted Sean Machak;

and

(2) That the acts occurred in the State of Washington, County of King.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

No. 29

To convict defendant Michael Gipson and Montgomery Manro of the crime of assault in the fourth degree, as charged in count II, each of the following elements of the crime must be proved beyond a reasonable doubt:

- (1) That on or about the 30th day on March, 2002, the defendant assaulted Kaleka Hookano; and
- (2) That the acts occurred in the State of Washington.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty as to count II.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty as to count II.

No.

30

As jurors, you have a duty to discuss the case with one another and to deliberate in an effort to reach a unanimous verdict. Each of you must decide the case for yourself, but only after you consider the evidence impartially with your fellow jurors. During your deliberations, you should not hesitate to reexamine your own views and change your opinion if you become convinced that it is wrong. However, you should not change your honest belief as to the weight or effect of the evidence, solely because of the opinions of your fellow jurors, or for the mere purpose of returning a verdict.

INSTRUCTION NO. 31

Upon retiring to the jury room for your deliberation of this case, your first duty is to select a foreperson. It is his or her duty to see that discussion is carried on in a sensible and orderly fashion, that the issues submitted for your decision are fully and fairly discussed, and that every juror has an opportunity to be heard and to participate in the deliberations upon each question before the jury.

Count I

Regarding Count I, you will be furnished with all of the exhibits admitted in evidence, these instructions, and four verdict forms, A and B and C and D for each defendant.

When completing the verdict forms, you will first consider the crime of assault in the first degree as charged. If you unanimously agree on a verdict, you must fill in the blank provided in verdict form A with the words "not guilty" or the word "guilty," according to the decision you reach. If you cannot agree on a verdict, do not fill in the blank provided in Verdict Form A.

If you find the defendant guilty on verdict form A, do not use verdict form B or C or D. If you find the defendant not guilty of the crime of assault in the first degree, or if after full and careful consideration of the evidence you cannot agree on that crime, you will consider the lesser crime of assault in the second degree. If you unanimously agree on a verdict, you must fill in the blank provided in verdict form B with the words "not guilty" or the word "guilty", according to the decision you reach. If you cannot agree on a verdict, do not fill in the blank provided in Verdict Form B.

If you find the defendant guilty on verdict form B, do not use verdict form C or D. If you find the defendant not guilty of the crime of assault in the second degree, or if after full and careful consideration of the evidence you cannot agree on that crime, you will consider the lesser

crime of assault in the third degree. If you unanimously agree on a verdict, you must fill in the blank provided in verdict form C with the words "not guilty" or the word "guilty," according to the decision you reach.

If you find the defendant guilty on verdict form C, do not use verdict form D. If you find the defendant not guilty of the crime of assault in the third degree, or if after full and careful consideration of the evidence you cannot agree on that crime, you will consider the lesser crime of assault in the fourth degree. If you unanimously agree on a verdict, you must fill in the blank provided in verdict form D the words "not guilty" or the word "guilty", according to the decision you reach.

If you find the defendant guilty of the crime of assault but have a reasonable doubt as to which of two or more degrees of that crime the defendant is guilty, it is your duty to find the defendant not guilty on verdict form A and to find the defendant guilty of the lesser included crime of assault in the second degree on verdict form B or assault in the third degree on verdict form C or assault in the fourth degree on verdict form D.

Since this is a criminal case, each of you must agree for you to return a verdict. When all of you have so agreed, fill in the proper form of verdict or verdicts to express your decision. The foreperson will sign it and notify the bailiff, who will conduct you into court to declare your verdict.

Count II

Regarding Count II, you will be furnished with all of the exhibits admitted in evidence, these instructions, and two verdict forms, E and F for defendants Manro and Gipson.

You must fill in the blank provided in each verdict form with the words "not guilty" or the word "guilty", according to the decision you reach.

Since this is a criminal case, each of you must agree for you to return a verdict. When all of you have so agreed, fill in the verdict form(s) to express your decision. The foreperson will sign it and notify the bailiff, who will conduct you into court to declare your verdict.

No.

32

You will also be furnished with special verdict forms. If you find the defendant not guilty do not use the special verdict forms. If you find the defendant guilty, you will then use the special verdict forms and fill in the blank with the answer "yes" or "no" according to the decision you reach. In order to answer the special verdict forms "yes", you must unanimously be satisfied beyond a reasonable doubt that "yes" is the correct answer. If you have a reasonable doubt as to the question, you must answer "no".

No.

33

For purposes of a special verdict the State must prove beyond a reasonable doubt that the defendant was armed with a deadly weapon at the time of the commission of the crime in Count I. A person is armed with a deadly weapon if, at the time of the commission of the crime, the weapon is easily accessible and readily available for offensive or defensive use. The State must prove beyond a reasonable doubt that there is a connection among the defendant or an accomplice, the crime, and the deadly weapon.

A deadly weapon is an implement or instrument which has the capacity to inflict death and from the manner in which it is used, is likely to produce or may easily and readily produce death. The following instruments are examples of deadly weapons: blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver or any other firearm, any knife having a blade longer than three inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas.

If one person is armed with a deadly weapon, all accomplices are deemed to be so armed, even if only one deadly weapon is involved.

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)	
	)	No. 02-C-03981-9 SEA
Plaintiff,)	
	)	VERDICT FORM B
vs.)	
)	
JAMES CONLEY)	
)	
Defendant.)	

We, the jury, having found the defendant James Conley not guilty of the crime of Assault in the First Degree as charged in count I, or being unable to unanimously agree as to that charge, find the defendant _____ (write in guilty or not guilty) of the crime of the lesser included crime of Assault in the Second Degree.

Foreperson

THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

STATE OF WASHINGTON,)	
	)	NO. 02-1-03981-9 SEA
Plaintiff,)	
	)	VERDICT FORM C
vs.)	
)	
JAMES CONLEY,)	
)	
Defendant.)	

We, the jury, having found the defendant James Conley not guilty of the crime of assault in the second degree, or being unable to unanimously agree as to that charge, find the defendant _____ (write in guilty or not guilty) of the crime of the lesser included crime of assault in the third degree.

Foreperson

THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

STATE OF WASHINGTON,)	
	)	NO. 02-1-03981-9 SEA
Plaintiff,)	
	)	VERDICT FORM D
vs.)	
)	
JAMES CONLEY,)	
)	
Defendant.)	

We, the jury, having found the defendant James Conley not guilty of the crime of assault in the third degree, or being unable to unanimously agree as to that charge, find the defendant _____ (write in guilty or not guilty) of the crime of assault in the fourth degree.

Foreperson

IN THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)
)
)
 v.)
)
 MICHAEL GIPSON,)
)
)
)
)
 _____)

NO. 02-C-03979-7 SEA
VERDICT FORM B

We, the jury, having found the defendant Michael Gipson not guilty of the crime of Assault in the First Degree in Count I, or being unable to unanimously agree as to that charge, find the defendant _____ (write in not guilty or guilty) of the crime of the lesser included crime of Assault in the Second Degree.

Foreperson

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)	
	)	No. 02-C-03979-7. SEA
Plaintiff,)	
	)	SPECIAL VERDICT FORM B
vs.)	
)	
MICHAEL GIPSON)	
)	
Defendant.)	

We, the jury, return a special verdict by answering as follows:

Was the defendant Michael Gipson, or his accomplice armed with a deadly weapon at the time of the commission of the lesser included crime of Assault in the Second Degree?

ANSWER: _____ (Yes or No)

Foreperson

IN THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)
)
)
 v.)
)
 MICHAEL GIPSON,)
)
)
)
 _____)

NO. 02-C-03979-7 SEA

VERDICT FORM C

We, the jury, having found the defendant Michael Gipson not guilty of the crime of Assault in the Second Degree, or being unable to unanimously agree as to that charge, find the defendant _____ (write in not guilty or guilty) of the crime of the lesser included crime of Assault in the Third Degree.

Foreperson

IN THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)
)
)
 v.)
)
 MICHAEL GIPSON,)
)
)
)
 _____)

NO. 02-C-03979-7 SEA
VERDICT FORM D

We, the jury, having found the defendant Michael Gipson not guilty of the crime of Assault in the Third Degree, or being unable to unanimously agree as to that charge, find the defendant _____ (write in not guilty or guilty) of the crime of the lesser included crime of Assault in the Fourth Degree.

Foreperson

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)	
	)	No. 02-C-03982-7 SEA
Plaintiff,)	
	)	VERDICT FORM B
vs.)	
)	
ADAM SIGURDSON)	
)	
Defendant.)	

We, the jury, having found the defendant Adam Sigurdson not guilty of the crime of Assault in the First Degree as charged in count I, or being unable to unanimously agree as to that charge, find the defendant _____ (write in guilty or not guilty) of the crime of the lesser included crime of Assault in the Second Degree.

Foreperson

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)	
	)	No. 02-C-03982-7 SEA
Plaintiff,)	
	)	SPECIAL VERDICT FORM B
vs.)	
)	
ADAM SIGURDSON)	
)	
Defendant.)	

We, the jury, return a special verdict by answering as follows:

Was the defendant Adam Sigurdson or his accomplice armed with a deadly weapon at the time of the commission of the lesser included crime of Assault in the Second Degree?

ANSWER: _____ (Yes or No)

Foreperson

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

STATE OF WASHINGTON)

Plaintiff,)

v.)

Cause No. 02-C-03982-7 SEA

VERDICT FORM C

ADAM SIGURDSON)

Defendant.)
_____)

We, the jury, having found the defendant Adam Sigurdson not guilty of the crime of Assault in the Second Degree, or being unable to unanimously agree as to that charge, find the defendant _____ (write in not guilty or guilty) of the crime of Assault in the Third Degree.

Foreperson

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON)

Plaintiff,)

v.)

Cause No. 02-C-03982-7 SEA

VERDICT FORM D

ADAM SIGURDSON)

Defendant.)

We, the jury, having found the defendant Adam Sigurdson not guilty of the crime of Assault in the Third Degree, or being unable to unanimously agree as to that charge, find the defendant _____ (write in not guilty or guilty) of the crime of Assault in the Fourth Degree.

Foreperson

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff,

vs.

MONTGOMERY MANRO

Defendant.

)
)
) No. 02-C-03980-1 SEA

)
) VERDICT FORM A
)
)
)
)

We, the jury, find the defendant Montgomery Manro
_____ (write in not guilty or guilty) of the crime
of Assault in the First Degree as charged in Count I.

Foreperson

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)	
	)	No. 02-C-03980-1 SEA
Plaintiff,)	
	)	SPECIAL VERDICT FORM
Vs.)	
)	
MONTGOMERY MANRO)	
)	
Defendant.)	

We, the jury, return a special verdict by answering as follows:

Was the defendant Montgomery Manro or his accomplice armed with a deadly weapon at the time of the commission of the crime of assault in the first degree as charged in Count I?

ANSWER: _____ (Yes or No)

Foreperson

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)	
	)	No. 02-C-0-3980-1 SEA
Plaintiff,)	
	)	SPECIAL VERDICT FORM B
vs.)	
)	
MONTGOMERY MANRO)	
)	
Defendant.)	

We, the jury, return a special verdict by answering as follows:

Was the defendant Montgomery Manro, or his accomplice armed with a deadly weapon at the time of the commission of the lesser included crime of Assault in the Second Degree?

ANSWER: _____ (Yes or No)

Foreperson

APPENDIX F

**CERTIFIED
COPY**

FILED

KING COUNTY WASHINGTON

DEC 16 2002

SUPERIOR COURT CLERK
BY MEGAN C. MONTGOMERY

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)	
	)	No. 02-C-03981-9 SEA
Plaintiff,)	
	)	SPECIAL VERDICT FORM
Vs.)	
)	
JAMES CONLEY)	
Defendant.)	

We, the jury, return a special verdict by answering as follows:

Was the defendant James Conley or his accomplice armed with a deadly weapon at the time of the commission of the crime of assault in the first degree as charged in Count I?

ANSWER: Yes (Yes or No)

Cobey Taylor
Foreperson

**CERTIFIED
COPY**

FILED

KING COUNTY WASHINGTON

DEC 16 2002

SUPERIOR COURT CLERK
BY MEGAN C. MONTGOMERY

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)
)
)
v.)
)
MICHAEL GIPSON,)
)
)
_____)

NO. 02-C-03979-7 SEA

VERDICT FORM A

We, the jury, find the defendant MICHAEL GIPSON

guilty (write in not guilty or guilty) of the crime
of Assault in the First Degree as charged in Count I.

Cabeyn Taylor
Foreperson

**CERTIFIED
COPY**

FILED

KING COUNTY WASHINGTON

DEC 16 2002

SUPERIOR COURT CLERK
BY MEGAN C. MONTGOMERY

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)

Plaintiff,)

Vs.)

MICHAEL GIPSON)

Defendant.)

No. 02-C-03979-7 SEA

SPECIAL VERDICT FORM

We, the jury, return a special verdict by answering as follows:

Was the defendant Michael Gipson or his accomplice armed with a deadly weapon at the time of the commission of the crime of assault in the first degree as charged in Count I?

ANSWER: yes (Yes or No)

Cabryn Taylor
Foreperson

**CERTIFIED
COPY**

FILED

KING COUNTY WASHINGTON

DEC 16 2002

SUPERIOR COURT CLERK
BY MEGAN C. MONTGOMERY

IN THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)
)
)
v.)
)
MICHAEL GIPSON,)
)
)
_____)

NO. 02-C-03979-7 SEA

VERDICT FORM E

We, the jury, find the defendant Michael Gipson

guilty (write in not guilty or guilty) of the crime of
Assault in the Fourth Degree as charged in Count II.

Cabryn Taylor
Foreperson

FILED
KING COUNTY WASHINGTON
DEC 16 2002

SUPERIOR COURT CLERK
BY MEGAN C. MONTGOMERY

**CERTIFIED
COPY**

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff,

vs.

ADAM SIGURDSON

Defendant.

)
) No. 02-C-03982-7 SEA
)

) VERDICT FORM A
)
)
)
)

We, the jury, find the defendant Adam Sigurdson
guilty (write in not guilty or guilty) of the crime
of Assault in the First Degree as charged in Count I.

Cabryn Taylor
Foreperson

FILED

KING COUNTY WASHINGTON

DEC 16 2002

**CERTIFIED
COPY**

THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR KING COUNTY

SUPERIOR COURT CLERK
BY MEGAN C. MONTGOMERY

STATE OF WASHINGTON,

Plaintiff,

vs.

MONTGOMERY MANRO,
Defendant.

NO. 02-C-03980-1 SEA

VERDICT FORM D

We, the jury, having found the defendant Montgomery Manro not guilty of the crime of assault in the third degree, or being unable to unanimously agree as to that charge, find the defendant guilty (write in guilty or not guilty) of the crime of the lesser included crime of assault in the fourth degree.

Cabryn Taylor
Foreperson

**CERTIFIED
COPY**

FILED

KING COUNTY WASHINGTON

DEC 16 2002

SUPERIOR COURT CLERK
BY MEGAN C. MONTGOMERY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

STATE OF WASHINGTON,	)	No. 02-1-03980-1 SEA
)	
Plaintiff,)	
	)	Verdict Form E
v.)	
)	
MONTGOMERY MANRO)	
)	
)	
Defendant.)	

We, the jury, find the defendant Montgomery Manro guilty
(write not guilty or guilty) of the crime of Assault in the Fourth Degree as
charged in Count II.

Colleen Taylor
Foreperson

APPENDIX G

DD1000MI Case Docket Inquiry (CDK)

KING COUNTY DISTRICT PUB

Case: C00718918 WSP CT Csh:

Pty: StID:

Name: MANRO, MONTGOMERY ALISTAR

NmCd: IN 485 48862

Name: MANRO, MONTGOMERY ALISTAR

Cln Sts:

DUI

Note: STATE AFF PLN aff:lkj_c718918, c664316

Case: C00718918 WSP CT Criminal Traffic

N

01 23 2009	COPY TO ATY MATTO	PAF
S 01 29 2009	OTH CALLN on 04/02/2009 01:30 PM	PAF
S	Changed to Room RE3 with Judge FVL	PAF
01 30 2009	CRIMINAL SUBPOENA ISSUED (DCORAUTO)	ECR
	CRIMINAL SUBPOENA ISSUED (DCORAUTO)	ECR
S 03 09 2009	MOT N: Held	SDF
	RE3-01:41/SDF	SDF
	JUDGE FRANK V LA SALATA PRESIDING	SDF
	STATE PRESENT REPRESENTED BY BEN CARR	SDF
	DEF PRESENT REPRESENTED BY JAGJIT MATTO	SDF
	DEFENSE STIPULATES TO ALL STATEMENTS OF DEFENDANTS ON POLICE	SDF
	REPORT ON CONSTITUTIONAL GROUNDS	SDF
	FILED: ORDER SUPPRESSING BAC TEST RESULTS/SIGNED	SDF
	CASE IS CONTINUED TO JURY CALL	SDF

DD1000MI Case Docket Inquiry (CDK)

KING COUNTY DISTRICT PUB

Case: C00718918 WSP CT Csh:

Pty: StID:

Name: MANRO, MONTGOMERY ALISTAR

NmCd: IN 485 48862

Name: MANRO, MONTGOMERY ALISTAR

Cln Sts:

DUI

Note: STATE AFF PLN aff:lkj_c718918, c664316

Case: C00718918 WSP CT Criminal Traffic

N

01 20 2009	JUDGE DAVID STEINER PRESIDING /LRH	LRH
	DPA ABAGAIL CROMWELL AND BEN CARR PRESENT	LRH
	DEF PRESENT WITH ATD JAGJIT MATTO	LRH
	PTR ORDER PRESENTED	LRH
	COURT - SIGNS ORDER	LRH
	COPY TO ALL PARTIES	LRH
	FILED: WAIVER OF TIME FOR TRIAL 4-20-09	LRH
S 01 21 2009	MOT N Set for 03/09/2009 01:30 PM	LRH
S	in Room RE3 with Judge FVL	LRH
S	OTH CALLN Set for 04/02/2009 01:30 PM	LRH
S	in Room RE1 with Judge DAS	LRH
	FILED- SUBPOENA DUCES TECUM (PROPOSED)	PAF
01 22 2009	PROPOSED SUBPOENA DUCES TECUM TO JUDGE LASALATA FOR REVIEW	PAF
01 23 2009	SUBPOENA DUCES TECUM SIGNED BY JUDGE LASALATA & CLERK MAILS	PAF

DD1000MI Case Docket Inquiry (CDK)

KING COUNTY DISTRICT PUB

Case: C00718918 WSP CT Csh: Pty: StID:

Name: MANRO, MONTGOMERY ALISTAR NmCd: IN 485 48862

Name: MANRO, MONTGOMERY ALISTAR Cln Sts:

DUI

Note: STATE AFF PLN aff:lkj_c718918, c664316

Case: C00718918 WSP CT Criminal Traffic N

S 12 16 2008	MOT: Held	SDF
	RE3-10:38/SDF	SDF
	JUDGE PRO TEM MYCHAL SCHWARTZ PRESIDING FOR FRANK LA SALATA	SDF
	STATE PRESENT REPRESENTED BY STEPHANIE KNIGHTLINGER	SDF
	DEF PRESENT REPRESENTED BY JAGJIT MATTO	SDF
	DEF MOTION TO CONTINUE	SDF
	STATE HAS NO OBJECTIONS	SDF
	COURT GRANTS DEF MOTION	SDF
	NOTICE GIVEN TO ALL PARTIES IN PERSON	SDF
	FILED: WAIVER OF TIME FOR TRIAL THROUGH 3/16/09	SDF
S 01 02 2009	PTR N Set for 01/20/2009 02:30 PM	SDF
S	in Room RE1 with Judge DAS	SDF
S 01 20 2009	PTR N: Held	LRH
	RE1 OFF THE RECORD C718918, C664316	LRH

DP1000MI Case Docket Inquiry (CDK)

KING COUNTY DISTRICT PUB

Case: C00718918 WSP CT Csh:

Pty: StID:

Name: MANRO, MONTGOMERY ALISTAR

NmCd: IN 485 48862

Name: MANRO, MONTGOMERY ALISTAR

Cln Sts:

DUI

Note: STATE AFF PLN aff:lkj_c718918, c664316

Case: C00718918 WSP CT Criminal Traffic

N

11	12	2008	JUDGE PRO TEM ELIZABETH MONROE-ASHER PRESIDING / LRH	LRH
			DPA ABAGAIL CROMWELL PRESENT	LRH
			DEF PRESENT WITH ATD JAGJIT MATTO	LRH
			ATD - MOTION FOR CONTINUANCE	LRH
			COURT - GRANTED	LRH
			COPY TO ALL PARTIES	LRH
			FILED: WAIVER OF TIME FOR TRIAL 2-09-09	LRH
			SCREEN PRINT TO STATE CLERK TO SET PTR - CHECK WITH ATD	LRH
11	14	2008	PER PRO TEM SHAH - SIGNS AFFIDAVIT LKJ	LRH
S			PTR Set for 12/16/2008 10:15 AM	PAF
S			in Room RE3 with Judge FVL	PAF
S	11	17	2008 Notice Issued for PTR on 12/16/2008 10:15 AM	RXB
			PTR NOTICE MAILED TO DEFENDANT & ATY MATTO	PAF
S	12	16	2008 PTR: Not Held, Hearing Canceled	SDF

DD1000MI Case Docket Inquiry (CDK)

KING COUNTY DISTRICT PUB

Case: C00718918 WSP CT Csh: Pty: StID:

Name: MANRO, MONTGOMERY ALISTAR NmCd: IN 485 48862

Name: MANRO, MONTGOMERY ALISTAR Cln Sts:

DUI

Note: STATE AFF PLN aff:lkj_c718918, c664316

Case: C00718918 WSP CT Criminal Traffic N

10	13	2008	DEF MOTION TO CONTINUE	KLK	
			MOTION GRANTED	KLK	
			FILED-SPEEDY TRIAL WAIVER THRU 01/12/09	KLK	
			NOTICE TO PARTIES IN PERSON	KLK	
S	10	14	2008	ATY 1 MATTO, JAGJIT Added as Participant	EDN
	10	16	2008	COPY OF DCH, PC STATEMENT, COMPLAINT AND FRONT AND BACK OF	EAB
				TICKET FAXED TO A CHANGE OF COUNSELING	EAB
S	10	17	2008	PTR N Set for 11/12/2008 01:30 PM	KLK
S				in Room RE1 with Judge DAS	KLK
S	11	12	2008	PTR N: Not Held, Hearing Canceled	LRH
S				MOT N: Held	LRH
				FILE: AFFIDAVIT OF PREJUDICE - LKJ	LRH
				FORWARDED TO JUDGE FOR RULING	LRH
				RE1 OFF THE RECORD	LRH

DD1000MI Case Docket Inquiry (CDK)

KING COUNTY DISTRICT PUB

Case: C00718918 WSP CT Csh:

Pty: _____ StID: _____

Name: MANRO, MONTGOMERY ALISTAR

NmCd: IN 485 48862

Name: MANRO, MONTGOMERY ALISTAR

Cln Sts:

DUI

Note: STATE AFF PLN aff:lkj_c718918, c664316

Case: C00718918 WSP CT Criminal Traffic

N

	09 08 2008	* WITHIN 30 DAYS BE EVALUATED - COURT IS INTERESTED IN THE	LRH
		EVALUATIONS RECOMMENDATIONS	LRH
S	09 09 2008	PTR N Set for 10/13/2008 01:30 PM	LRH
S		in Room RE2 with Judge LKJ	LRH
S	10 13 2008	PTR N: Not Held, Hearing Canceled	KLK
S		MOT N: Held	KLK
		FILED: NOTICE OF APPEARANCE, DEMAND FOR DISCOVERY, DEMAND FOR	EDN
		EXPERT AT TRIAL	EDN
		CONFIDENTIALITY AND RELEASE OF INFORMATION FORM FILED BY:	EAB
		A CHANGE OF COUNSELING	EAB
		RE2-1:49/KLK	KLK
		JUDGE PRO TEM KETU SHAH PRESIDING FOR LKJ	KLK
		STATE PRESENT REPRESENTED BY COUNSEL, STEPHANIE KNIGHTLINGER	KLK
		DEF PRESENT REPRESENTED BY COUNSEL, JAG MATTO	KLK

DD1000MI Case Docket Inquiry (CDK)

KING COUNTY DISTRICT PUB

Case: C00718918 WSP CT Csh:

Pty:

StID:

Name: MANRO, MONTGOMERY ALISTAR

NmCd: IN 485 48862

Name: MANRO, MONTGOMERY ALISTAR

Cln Sts:

DUI

Note: STATE AFF PLN aff:lkj_c718918, c664316

Case: C00718918 WSP CT Criminal Traffic

N

S	08 25 2008	Case Filed on 08/25/2008	EDN
S		DEF 1 MANRO, MONTGOMERY ALISTAR Added as Participant	EDN
S		OFF 1 SIVERTSEN, KRIS Added as Participant	EDN
		FORMAL COMPLAINT FILED IN REDMOND	EDN
		SUBPOENA REQUEST FILED	EDN
		CHARGED THROUGH INVESTIGATION	EDN
		FILED: AFFIDAVIT OF PREJUDICE - JUDGE NAULT	EDN
S		ARR Set for 09/08/2008 08:45 AM	EDN
S		in Room RE1 with Judge DAS	EDN
		PROBABLE CAUSE STATEMENT FILED (DCORAUTO)	ECR
S	08 26 2008	Notice Issued for ARR on 09/08/2008 08:45 AM	YTR
		ARRAIGNMENT NOTICE MAILED TO DEFENDANT	PAF
S	09 08 2008	ARR: Held	LRH

APPENDIX H

D0071I More records available.

DD1000PI

03/27/09 14:06:07

DD1000MI Case Docket Inquiry (CDK)

SNO CO-SOUTH DIV

PUB

Case: C00600406 WSP CT Csh:

Pty:

StID:

Name: MANRO, MONTGOMERY ALISTAR

NmCd: IN 485 48862

Name: MANRO, MONTGOMERY ALISTAR
RECKLESS DRIVING

Cln Sts: A Agent Assigned by User
DUI

Note:

Case: C00600406 WSP CT Criminal Traffic
FTA ISSUED

N

S	12	13	2006	PTR on 12/22/2006 01:30 PM changed to Room 4	LAM
	12	22	2006	SOD4/0344	DIE
				HEARING - JUDGE PRO TEM RUSSELL WILSON PROSECUTOR SULLIVAN	DIE
				DEFENDANT PRESENT WITH COUNSEL BRINE, E	DIE
				WAIVER OF RIGHT TO JURY TRIAL FILED	DIE
S				PTR: Not Held, Hearing Canceled	DIE
S				MOT: Held	DIE
S	12	29	2006	OTH DISP Set For 02/21/2007 09:30 AM In Room C	DIE
S	02	12	2007	OTH DISP on 02/21/2007 09:30 AM changed to Room 3	DIE
	02	21	2007	SOD3/1039	KSE
				DISPOSITION HEARING JUDGE JEFFREY D GOODWIN	KSE
				DEFENDANT PRESENT WITH COUNSEL PROSECUTOR B SULLIVAN	KSE
				COUNSEL COBURN STANDING IN FOR COUNSEL BUSSARD	KSE
				STATEMENT OF DEFENDANT ON PLEA OF GUILTY	KSE

DD1000MI Case Docket Inquiry (CDK)

SNO CO-SOUTH DIV

PUB

Case: C00600406 WSP CT Csh:

Pty: _____ StID: _____

Name: MANRO, MONTGOMERY ALISTAR

NmCd: IN 485 48862

Name: MANRO, MONTGOMERY ALISTAR
RECKLESS DRIVING

Cln Sts: A Agent Assigned by User
DUI

Note:

Case: C00600406 WSP CT Criminal Traffic
FTA ISSUED

N

S	02 21 2007	Charge 1 Dismissed : State's Mtn-Othr	KSE
S		Case Heard Before Judge GOODWIN, JEFFREY	KSE
S		Finding/Judgment of Awaiting Sentencing for Charge 2	KSE
S		Case Heard Before Judge GOODWIN, JEFFREY	KSE
S		OTH DISP: Held	KSE
S		Finding/Judgment of Guilty for Charge 2	RGS
S	02 22 2007	OTH DISP Set for 03/21/2007 09:30 AM	KSE
S		in Room 3 with Judge JXG	KSE
	03 21 2007	SOD3/1029	RGS
		HEARING - JUDGE JEFFREY D GOODWIN PROSECUTOR WALTERS, J	RGS
		DEFENDANT PRESENT WITH COUNSEL LOPEZ DE ARRIAGA	RGS
		THIS MATTER COMES ON FOR SENTENCING	RGS
S		Judge GOODWIN, JEFFREY Imposed Sentence	RGS
S		Breath Test Used to Obtain BAC: Blood Alcohol Content: 0.14	RGS

D0071f More records available.

DD1000PI

03/27/09 14:06:09

DD1000MI Case Docket Inquiry (CDK)

SNO CO-SOUTH DIV

PUB

Case: C00600406 WSP CT Csh:

Pty: _____ StID: _____

Name: MANRO, MONTGOMERY ALISTAR

NmCd: IN 485 48862

Name: MANRO, MONTGOMERY ALISTAR
RECKLESS DRIVING

Cln Sts: A Agent Assigned by User
DUI

Note:

Case: C00600406 WSP CT Criminal Traffic
FTA ISSUED

N

S	03 21 2007	Court Imposes Jail Time of 365 Days on Charge 2		RGS
S		with 360 Days Suspended, and		RGS
S		0 Days Credit for time served		RGS
S		Total Imposed on Charge 2:	5,000.00	RGS
S		with 4,500.00 Suspended		RGS
S		And 0.00 Other Amount Ordered		RGS
S		Accounts Receivable Created	1,953.00	RGS
		ORDER OF COMMITMENT SIGNED		RGS
S		Case Scheduled on Time Pay Agreement 1 for:	1,953.00	RMG
		JAIL TIME SET FOR 3/28/07 AT 7PM.		RMG
S		PRO : Probation		KAR
S		PRO Review Set for 03/21/2012		KAR
S		AAO : Alcohol Assessment		KAR
S		VIC : Victims Panel		KAR

