

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

---

In re Personal Restraint	)	NO. 82868-7
Petition of:	)	
	)	PERSONAL RESTRAINT
VINCENT ADOLPH,	)	PETITION-BRIEF
	)	
Petitioner.	)	RAP 16

---

Pursuant to Haines v. Kerner, 404 US 519, 520-21 (1972) and McPherson v. Coombe, 174 F.3d 276, 280 (2nd Cir. 1999), this court is required to liberally construe this brief and interpret all of the arguments presented with the strongest arguments they may suggest.

I. STATEMENT OF THE CASE.

Mr. Adolph was convicted of Vehicular Assault and Vehicular Homicide by an Okanogan County Jury. See Judgment & Sentence, appendix A. The trial court, after finding that Mr. Adolph had three prior DUI's (two in Okanogan County and one in Lincoln County), sentenced Mr. Adolph to 96 months in prison. Id. The 96 months included three two year enhancements for each prior DUI which is required in a Vehicular Homicide case. Id.

II. LAW & ARGUMENT.

1           A.       THERE WAS INSUFFICIENT EVIDENCE TO  
2                   PROVE THE LINCOLN COUNTY DUI.

3           The State must prove the existence of a prior con-  
4           viction by a preponderance of the evidence. State v. Rivers,  
5           130 Wn. App. 689, 698-705, review denied, 158 Wn.2d 1008  
6           (2006). To establish the existence of a conviction, a certi-  
7           fied copy of the judgment and sentence is the best evidence.  
8           Id. The State may introduce other comparable evidence only  
9           if it shows the writing is unavailable for some reason other  
10          than the serious fault of the proponent. Id. In that case,  
11          comparable documents of record or trial transcripts may  
12          suffice. Id. However, a prior conviction set forth in a  
13          certified judgment and sentence of some other offense is  
14          insufficient to prove the existence of the prior conviction.  
15          Id.

16          In this case, the alleged Lincoln County DUI con-  
17          viction was proved by a Driving Abstract from the Department  
18          of Licensing (attached as appendix B) coupled with a "DCH"  
19          printout from the prosecutor's office, it is attached as  
20          appendix C. See September 19, 2005 Sentencing Transcripts  
21          at 23-28; 31-32; 54-55; 59-61.

22          Under Rivers, 130 Wn. App. at 698-705, the non court  
23          certified Driving Abstract coupled with the non court certi-  
24          fied "DCH" is clearly insufficient to prove the alleged  
25          Lincoln County DUI conviction. Id. Therefore, because Mr.  
26          Adolph objected to the sufficiency of the evidence on the  
27          Lincoln County DUI (RP 31-32) and because the Driving  
28          Abstract coupled with the "DCH" is insufficient to prove

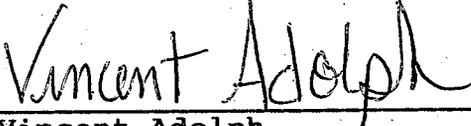
1 the Lincoln County DUI conviction, this court should remand  
2 this matter back to the superior court for resentencing  
3 with orders to the trial court to exclude the Lincoln County  
4 DUI. Rivers, 130 Wn. App. at 705-07.

5 III. CONCLUSION.

6 Because there was insufficient evidence to support  
7 the Lincoln County DUI conviction, this court should order  
8 a resentencing hearing. And because this issue has merit,  
9 this court should appoint counsel to help Mr. Adolph develop  
10 it.

11  
12 Dated this 10 day of July, 2008.

13  
14  
15 Sincerely,

16   
17  
18 Vincent Adolph

**FILED**  
 19.09.2005 11:34  
 OKANOGAN COUNTY  
 SUPERIOR COURT  
 JACKIE BRADLEY, CO. CLERK

SUPERIOR COURT OF WASHINGTON  
 COUNTY OF OKANOGAN

05-9-00518-9

STATE OF WASHINGTON,

Plaintiff,

No. 03-1-00415-2

**FELONY JUDGMENT AND SENTENCE (FJS)**

vs.

Prison

RCW 9.94A.712 Prison Confinement

Jail One Year or Less

RCW 9.94A.712 Prison Confinement

VINCENT ADOLPH,

Defendant.

First-Time Offender

Special Sexual Offender Sentencing Alternative

Special Drug Offender Sentencing Alternative

Clerk's Action Required, para 4.5 (SDOSA),  
 4.15.2, 5.3, 5.6 and 5.8

SID: wa10497341

If no SID, use DOB: 3/27/1957

**I. HEARING**

1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

**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 9/19/05  
 by  plea  jury-verdict  bench trial of:

COUNT	CRIME	RCW	DATE OF CRIME
I	VEHICULAR HOMICIDE - <i>Under Influence</i>	46.61.520 (1)(a)	1/26/03
II	VEHICULAR ASSAULT - <i>Under Influence</i>	46.61.522 (1)(b)	1/26/03

(If the crime is a drug offense, include the type of drug in the second column.)  
 as charged in the Amended Information.

Additional current offenses are attached in Appendix 2.1.

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.602, 9.94A.533.

Appendix A  
 19

72

- A special verdict/finding for use of **deadly weapon other than a firearm** was returned on Count(s) \_\_\_\_\_ RCW 9.94A.602, 9.94A.533.
- 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, RCW 69.50.401, 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):

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

**SENTENCING ENHANCEMENT.**  
*For & Reason of 46.61.520 and 46.61.5055*

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J Adult, Juv.	TYPE OF CRIME
1 DUI (DEFERRED)	4/21/1988	OKANOGAN	11/26/87	A	
2 DUI	3/19/1992	LINCOLN	12/20/91	A	
3 DUI (DEFERRED)	12/2/1993	OKANOGAN	12/4/92	A	
4					
5					

- Additional criminal history is attached in Appendix 2.2.
- 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):

The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:  
*see above section 2.2*

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS*	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	2	IX	41-54 MOS	72 mos (VH)	<del>113-126</del> 113-126	LIFE
II	2	IV	12+-14 MOS		12+-14 MOS	10 YRS

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present.

Additional current offense sentencing data is attached in Appendix 2.3.

2.4  EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:

- within  below the standard range for Count(s) I to 24 months
- above the standard range for Count(s) \_\_\_\_\_

The defendant and state stipulate that 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. *see 4.4*

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: \_\_\_\_\_

III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1 and Appendix 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 of the Court's office.)

PCV \$ 500.00 Victim assessment RCW 7.68.035

\$ \_\_\_\_\_ Domestic Violence assessment RCW 10.99.080

CRC \$ 220.50 Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190

Criminal filing fee \$ 200.00 FRC

Witness costs \$ \_\_\_\_\_ WFR

Sheriff service fees \$ 20.50 SFR/SFS/SFW/WRF

Jury demand fee \$ \_\_\_\_\_ JFR

Extradition costs \$ \_\_\_\_\_ EXT

Other \$ \_\_\_\_\_

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

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

FCM/MTH \$ \_\_\_\_\_ Fine RCW 9A.20.021;  VUCSA chapter 69.50 RCW,  VUCSA additional fine deferred due to indigency RCW 69.50.430

CDF/LDI/FCD \$ \_\_\_\_\_ Drug enforcement fund of \_\_\_\_\_ RCW 9.94A.760  
NTF/SAD/SDI

CLF \$ \_\_\_\_\_ Crime lab fee  suspended due to indigency RCW 43.43.690

\$ 100.00 Felony DNA collection fee  not imposed due to hardship RCW 43.43.7541

RTN/RJN \$ \_\_\_\_\_ Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum) RCW 38.52.430

\$ \_\_\_\_\_ Other costs for: \_\_\_\_\_

\$ 820.50 TOTAL RCW 9.94A.760

The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

shall be set by the prosecutor.

is scheduled for October 13, 2015 9:30 pm.

RESTITUTION. Schedule attached.

Restitution ordered above shall be paid jointly and severally with:

NAME of other defendant CAUSE NUMBER (Victim's name) (Amount-\$)

The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

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

The defendant shall report as directed by the clerk of the court and provide financial information as requested. RCW 9.94A.760(7)(b).

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 rate of \$50.00 per day, unless another rate is specified here: \_\_\_\_\_. (JLR) RCW 9.94A.760.

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 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 No-Contact Order or Antiharassment No-Contact Order is filed with this Judgment and Sentence.

4.4 OTHER: *The court makes the following findings of fact and conclusions of law:*

*The victim Loretta Aguilar's negligence was also a proximate cause of the accident and supports a mitigation of the sentence in Count 1 downward to 24 months. - oral findings are transcribed herein.*

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):

96 months on Count I \_\_\_\_\_ months on Count \_\_\_\_\_  
12+ months on Count II \_\_\_\_\_ months on Count \_\_\_\_\_  
\_\_\_\_\_ months on Count \_\_\_\_\_ months on Count \_\_\_\_\_

Actual number of months of total confinement ordered is: 96 months  
(Add mandatory firearm and deadly weapons enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above.)

The confinement time on Count(s) \_\_\_\_\_ contain(s) a mandatory minimum term of \_\_\_\_\_

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: Report by  
6:40 pm on October 17, 2005

(b) **CONFINEMENT.** RCW 9.94A.712 (Sex Offenses only): 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 18 to 36 months;  
Count 2 for a range from 18 to 36 months;  
Count \_\_\_\_\_ for a range from \_\_\_\_\_ to \_\_\_\_\_ months;

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever 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 and 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 1, 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 substance 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 (service); (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; and (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 (within 880 feet of the facilities or grounds of a public or private school). (RCW 9.94A.030(8)).

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

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

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

Other conditions: \_\_\_\_\_

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 seven working days.

4.7  **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that the 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: \_\_\_\_\_

## 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 up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose 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). The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).
- 5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.
- 5.4 **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 clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

### 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 offense or kidnapping offense involving a minor as defined in RCW 9A.44.130, 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 on 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. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination.

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 48 hours excluding weekends and holidays 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 weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require you to list the locations where you have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

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.

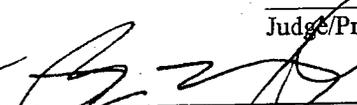
If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of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

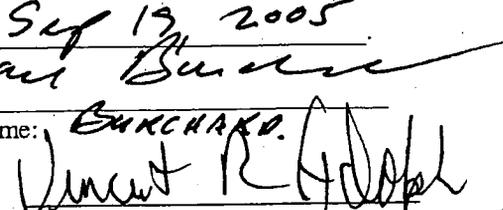
- 5.8  The court finds that Count I, II is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.
- 5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.
- 5.10 OTHER: \_\_\_\_\_

DONE in Open Court and in the presence of the defendant this date: SEP 19 2005

Judge/Print name: BARCKARD

  
Deputy Prosecuting Attorney  
WSBA No. 27217  
Print name: Karl F. Sloan

  
Attorney for Defendant  
WSBA No. 13827  
Print name: Beau Huxley

  
Defendant

Print name:

**VOTING RIGHTS STATEMENT:** RCW 10.64. \_\_\_\_\_. 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.

Defendant's signature: \_\_\_\_\_ 2005 Wash. Laws 246 § 1.

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.

Interpreter signature/Print name: \_\_\_\_\_

I, Jarke Bradley, 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: 9-19-05

Clerk of the Court of said county and state, by: J. Bradley, Deputy Clerk

**IDENTIFICATION OF DEFENDANT**

SID No. WA10497341 Date of Birth 3/27/1957  
(If no SID take fingerprint card for State Patrol)

FBI No. \_\_\_\_\_ Local ID No. \_\_\_\_\_

PCN No. \_\_\_\_\_ Other \_\_\_\_\_

Alias name, DOB: \_\_\_\_\_

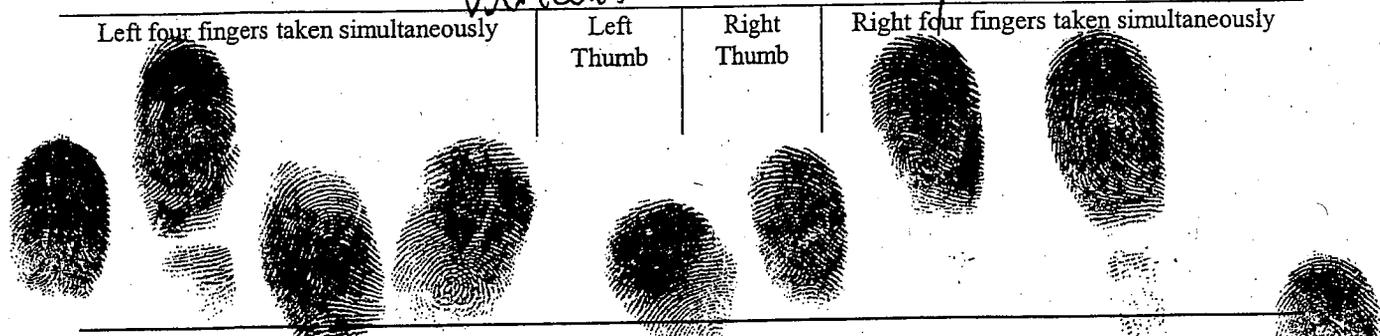
**Race:**  Asian/Pacific Islander  Black/African-American  Caucasian  Native American  Other: \_\_\_\_\_

**Ethnicity:**  Hispanic  Non-Hispanic

**Sex:**  Male  Female

**FINGERPRINTS:** I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, \_\_\_\_\_ Dated: 9-19-05

DEFENDANT'S SIGNATURE: Vincent R. Adolph



OKANOGAN COUNTY

JUN 28 2005

PROSECUTOR'S OFFICE

06-27-05 \*\* ABSTRACT OF COMPLETE DRIVING RECORD

LIC# ADOLP-VR-433D7	SS# 536-62-8781	STATUS: PDL CLEAR
ADOLPH, VINCENT RANDOLPH JR	DOB 03-27-1957	CDL CLEAR
181 DUTCH ANDERSON RD	SEX M EYES BRN	LICENSE ISSUED 04-02-02
OMAK WA 98841	HGT 5'07" WGT 190	LICENSE EXPIRES 03-27-07

\*\*MAIL ADDR ON FILE? N

CDL CLASS: A ENDORSEMENTS: N

NOTE: M 052301 052301 M 062999 062999 M 032698 032698

* 123091 DRIVING UNDER INFLUENCE	031992	D LINCOLN CO 22	000010093
* 120492 DRIVING UNDER INFLUENCE	DEF.PRO	D OKANOGAN CO.24	007074463
012603 ACCIDENT MOVING	02 VEH		
120293 PROB DI DEFERRED PROSECUTION	120298	000000	



I CERTIFY THE ABOVE TO BE TRUE AND CORRECT.

*Renee Joursley*  
 CUSTODIAN OF RECORDS

Appendix B

D0107I Already on the last page

DN2000SX

08/16/05 13:38:30

DN2001MI Defendant Case History (DCH)

OKANOGAN COUNTY DIST PUB 1 of 1

Case: \_\_\_\_\_ Csh: \_\_\_\_\_ Pty: \_\_\_\_\_ StId: D ADOLPVR433D7 WA

Name: ADOLPH, VINCENT R JR NmCd: IN 382 97536

CONFIDENTIAL--NOT FOR RELEASE

More>

True Name: ADOLPH, VINCENT R JR

IN 382 97536

6 Cases

AKA's:

S N Case	LEA Ty Crt	Violation		--- Status ---						
		Date	Short Title	DV	Jg	CD	W	F	O	
7074463	WSP CT OKD	12/04/92	DUI			DW	CL			
		12/04/92	DWLS 3RD DEGREE			DW				
10094	LSH CN LID	12/30/91	LOADED GUN IN MOTOR DRIVEN VE	G		CL	*	*		
10093	LSH CT LID	12/30/91	DUI	G		CL				
F00078694	SPP CN SPM	04/14/91	DISORDERLY CONDUCT	D		CL	*	*		
		04/14/91	RESISTING ARREST			G				
6307	OMP CT OKD	11/26/87	DUI			DW	CL			
03-1-00415-2	S1 S24	01/26/03	VEHICULAR HOMICIDE			N	G			
		01/26/03	VEHICULAR ASSAULT			N	G			

PF1	PF2	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP	PER	CDK	PLS	CDT	BWD	FWD	DOL	COS	CFHS	EXIT
4-©		1 Sess-1		206.194.129.5				FTCP1348		6/75

Appendix C

FILED

JUL 21 2008

COURT OF APPEALS  
DIVISION III  
STATE OF WASHINGTON  
By \_\_\_\_\_

272770

STATE OF WASHINGTON  
COURT OF APPEALS, DIVISION III

STATE OF WASHINGTON, )  
)  
Respondent, )  
)  
v. )  
)  
Vincent Adolph )  
Petitioner. )

No:

CERTIFICATE OF SERVICE

I, Vincent Adolph, Petitioner in the above entitled cause, under the penalty of perjury, do hereby certify that on the date noted below, I sent copies of:

Personal Restraint Petition

To: The Court of Appeals  
Division III  
500 North Cedar st.  
Spokane, WA  
99201

By processing as *Legal Mail*, with first-class postage affixed thereto, at the Airway Heights Correction Center, P.O. Box 2079, Airway Heights, WA 99001-2079.

Dated this 17 day of July, 2008.

Respectfully Submitted,  
Vincent B Adolph  
Petitioner