

NO. 65460-8-I

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

85377-(

In re the Personal Restraint Petition of:

JOSE TOLEDO-SOTELO,

Petitioner.

RESPONSE OF THE
DEPARTMENT OF
CORRECTIONS

Respondent, the Department of Corrections (Department or DOC), responds to Toledo-Sotelo's personal restraint petition pursuant to RAP 16.9. Toledo-Sotelo makes two claims in his petition, one of which has been handled by the prosecutor as co-respondent. The DOC responds solely to his time-credit claim. Toledo-Sotelo claims the jail did not credit him with 855 days that the judgment and sentence lists as pre-sentence credit. But the jail certification's calculation is immaterial because the DOC followed the judgment and sentence.

I. BASIS OF CUSTODY

Toledo-Sotelo is in the Department of Corrections' custody pursuant to King County convictions under two causes. The first is for two counts of first degree child molestation, committed from April 25, 1995, through August 31, 1996. Exhibit 1, 2000 Cause Judgment and Sentence. The second cause is for bail jumping, committed on September 21, 2000. Exhibit 2, 2007 Cause Judgment and Sentence; Exhibit 3, Order

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STATE OF WASHINGTON
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ORIGINAL

Correcting Judgment and Sentence. Both causes were sentenced on the same day. The superior court (the Honorable George T. Mattson) imposed concurrent sentences of 84 months total. Exhibit 1, at 4; Exhibit 2, at 4. Toledo-Sotelo's current early release date is April 15, 2012. Exhibit 4, Offender Management Network Information (OMNI) Legal Face Sheet, at 1 ("ERD: 04/15/2012").

II. STATEMENT OF THE CASE

A jury found Toledo-Sotelo guilty of bail jumping and then he pleaded guilty to two counts of first degree child molestation. Exhibit 1; Exhibit 2. The trial court imposed concurrent sentences of 84 months of confinement. Exhibit 1 at 4; Exhibit 2 at 4. The court also ordered that Toledo-Sotelo receive credit for 252 days of presentence jail time on the bail jumping cause and 855 days of presentence jail time on the child molestation cause. Exhibit 2, at 4; Exhibit 5, Sentencing Order. The jail certified 288 days for the bail jumping cause and 643 days on the child molestation cause. Exhibit 6, Jail Certification; Exhibit 7, Jail Certification.

The DOC received custody of Toledo-Sotelo June 17, 2008. Exhibit 8, Sentence Information Screen (showing time start date); Exhibit 4 at 7 ("Admission To Prison"). The DOC calculated Toledo-Sotelo's sentence as follows. It set his DOC time start date as June 17, 2008, the

day it received him from the jail. Exhibit 8. His sentence is 2,556 days long. Exhibit 8 (showing "Length In Days"). The DOC credited him with 855 days of jail time served and 109 days of jail good time, for a total of 964 jail credits. Subtracting 964 jail credits from the 2,556-day sentence leaves 1,592 days remaining to serve in the DOC's custody.

If Toledo-Sotelo were to receive all of his earned release credits, his time to serve in the DOC's custody would be 85 percent of this amount. Eighty-five percent of 1,592 is 1,353 days.

Toledo-Sotelo has thus far 45 days of good conduct time and has not missed any earned time. Exhibit 8 ("ET Not Earned", "GCT Lost"). Adding 45 days to Toledo-Sotelo's remaining DOC time results in 1,398 days left to serve. Adding 1,398 days to Toledo-Sotelo's time start of June 17, 2008, results in an early release date of April 15, 2012. Hence, the DOC set Toledo-Sotelo's early release date as April 15, 2012. Exhibit 4.

III. STANDARD OF REVIEW

A petitioner who challenges a decision from which he has had "no previous or alternative avenue for obtaining state judicial review" must show that he is under restraint and the restraint is unlawful. *In re Pers. Restraint of Cashaw*, 123 Wn.2d 138, 148-49, 866 P.2d 8 (1994); RAP 16.4(a), (c). Under RAP 16.4, a petitioner may obtain relief by showing either a

constitutional violation or a violation of state law. RAP 16.4(c)(2), (6); *see Cashaw*, at 148. Further, in challenges to a prison's time-credit calculations, it is a petitioner's burden to show that the DOC's actions were so arbitrary and capricious as to deny the petitioner a fundamentally fair proceeding so as to work to the offender's prejudice. *Cf. In re Grantham*, 168 Wn.2d 204, 292, ¶ 13, 227 P.3d 285 (2010) (declining to reverse a prison discipline decision).

A petitioner must set forth a statement of "the facts upon which the claim of unlawful restraint of petitioner is based and the evidence available to support the factual allegations, . . . [and] why the petitioner's restraint is unlawful for one or more of the reasons specified in rule 16.4(c)." RAP 16.7(a)(2). However, bare assertions and conclusory allegations of constitutional violations are insufficient to support a personal restraint petition. *In re Pers. Restraint of Rice*, 118 Wn.2d 876, 886, 828 P.2d 1086 (1992).

IV. ISSUE PRESENTED

Did the Department properly credit Toledo-Sotelo with all presentence time due to him?

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V. ARGUMENT

The Department Properly Credited Toledo-Sotelo With All Presentence Time To Which He Is Entitled

The jail time for which Toledo-Sotelo requests credit has already been credited. He shows no error.

Statute requires that when an offender is transferred from jail to the DOC, the jail must certify to the DOC the amount of time spent in custody at the jail and the amount of early release time earned there. RCW 9.94A.729(1). The Department is entitled to give presumptive legal effect to this certification. *In re Phillips*, 121 Wn.2d 655, 664, 853 P.2d 444 (1993). The statute prohibits the Department from accepting a jail certification only if the certification is based on apparent or manifest errors of law. *Id.*

Additionally, an offender is entitled to credit for time served before sentencing only if that time served was exclusively on the offense that was sentenced:

The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was *solely in regard to the offense for which the offender is being sentenced.*

RCW 9.94A.505(6) (emphasis added); *In re Phelan*, 97 Wn.2d 590, 597, 647 P.2d 1026 (1982). Credit is not allowed for time served on other charges. *In re Costello*, 131 Wn. App. 828, ¶ 13, 129 P.3d 827 (2006).

Also, the statute does not give the sentencing court authority to credit an offender for more pre-trial detention time than he or she is entitled to by law. *Costello*, 131 Wn. App. at ¶ 14. Accordingly, neither RCW 9.94A.505(6) nor a judgment and sentence form incorporating that provision can be construed as authorizing a jail to credit an offender with more time than he or she is entitled to by law. *Costello, supra*.

And the jail's calculation of credit for time served is not independently legally binding. *Id.* If the jail's calculation is correct, it has the force of law. *Id.* If the jail's calculation is erroneous, the law, not the certification, provides the correct result. *Id.*

In this case, Toledo-Sotelo received credit for the time reflected on the sentencing order that gave him 855 days of presentence jail time. Exhibit 8; Exhibit 5. Toledo-Sotelo has submitted nothing to show any apparent or manifest errors of law in the DOC's jail time calculations. He has the burden to show that the DOC's presentence time calculations are incorrect and he has not done that. The Court should dismiss his petition.

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VI. CONCLUSION

Respondent respectfully requests that this Court deny Toledo-Sotelo's personal restraint petition with prejudice.

RESPECTFULLY SUBMITTED this 20th day of August, 2010.

ROBERT M. MCKENNA
Attorney General



RONDA D. LARSON, WSBA #31833
Assistant Attorney General
Corrections Division
PO Box 40116
Olympia WA 98504-0116
(360) 586-1445

CERTIFICATE OF SERVICE

I certify that I served a copy of the foregoing document on all parties or their counsel of record as follows:

US Mail Postage Prepaid

TO:

JOSE TOLEDO-SOTELO, DOC #311886
CLALLAM BAY CORRECTIONS CENTER
1830 EAGLE CREST WAY
CLALLAM BAY WA 98326-9723

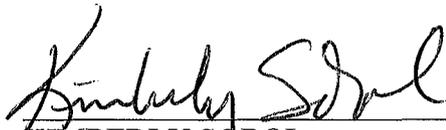
via Email

TO:

ANN SUMMERS
KING COUNTY PROSECUTING ATTORNEY
KING CO. PROS/APP UNIT SUPERVISOR
W554 KING COUNTY COURTHOUSE
516 THIRD AVENUE
SEATTLE, WA 98104
ann.summers@kincounty.gov

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

EXECUTED this 20th day of August, 2010 at Olympia, WA.



KIMBERLY SOBOL
Legal Assistant

WORKING COPY

FILED

08 MAY 16 AM 9:48

KING COUNTY
SUPERIOR COURT CLERK
KENT, WA

PRESENTENCING STATEMENT & INFORMATION ATTACHED

COMMITMENT ISSUED MAY 16 2008

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 00-1-05743-8 KNT

3118840

Vs.

JUDGMENT AND SENTENCE

61708

JOSE TOLEDO-SOTELO,

FELONY

Defendant,

CLERK'S ACTION REQUIRED (p3 & b)

I. HEARING

I.1 The defendant, the defendant's lawyer, BARRY J. WALLIS, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were:

victim's family,
defendant's significant other

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 10/16/2007 by plea of:

Count No.: III Crime: CHILD MOLESTATION IN THE FIRST DEGREE
RCW 9A.44.083 Crime Code: 01064
Date of Crime: 04/25/1995 THROUGH 08/31/1996 Incident No. _____

Count No.: IV Crime: CHILD MOLESTATION IN THE FIRST DEGREE
RCW 9A.44.083 Crime Code: 01064
Date of Crime: 04/25/1995 THROUGH 08/31/1996 Incident No. _____

Count No.: _____ Crime: _____
RCW _____ Crime Code: _____
Date of Crime: _____ Incident No. _____

Count No.: _____ Crime: _____
RCW _____ Crime Code: _____
Date of Crime: _____ Incident No. _____

[] Additional current offenses are attached in Appendix A

EXHIBIT 1

SPECIAL VERDICT or FINDING(S):

- (a) While armed with a firearm in count(s) _____ RCW 9.94A.510(3).
- (b) While armed with a deadly weapon other than a firearm in count(s) _____ RCW 9.94A.510(4).
- (c) With a sexual motivation in count(s) _____ RCW 9.94A.835.
- (d) A V.U.C.S.A offense committed in a protected zone in count(s) _____ RCW 69.50.435.
- (e) Vehicular homicide Violent traffic offense DUI Reckless Disregard.
- (f) Vehicular homicide by DUI with _____ prior conviction(s) for offense(s) defined in RCW 41.61.5055, RCW 9.94A.510(7).
- (g) Non-parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A.44.130.
- (h) Domestic violence offense as defined in RCW 10.99.020 for count(s) _____
- (i) Current offenses encompassing the same criminal conduct in this cause are count(s) _____ RCW 9.94A.589(1)(a).

2.2 OTHER CURRENT CONVICTION(S): Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): _____

2.3 CRIMINAL HISTORY: Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.525):

- Criminal history is attached in Appendix B.
- One point added for offense(s) committed while under community placement for count(s) _____

2.4 SENTENCING DATA:

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count III	3	XII			120-180 MONTHS 72-96mo	LIFE AND/OR \$50,000
Count IV	3	XII			120-180 MONTHS 72-96mo	LIFE AND/OR \$50,000
Count						
Count						

Additional current offense sentencing data is attached in Appendix C.

2.5 EXCEPTIONAL SENTENCE (RCW 9.94A.535):

Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) _____. Findings of Fact and Conclusions of Law are attached in Appendix D. The State did did not recommend a similar sentence.

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A. The Court DISMISSES Count(s) I & II

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

4.1 RESTITUTION AND VICTIM ASSESSMENT:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
 - Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(2), sets forth those circumstances in attached Appendix E
 - Restitution to be determined at future restitution hearing on (Date) _____ at _____ m.
 - Date to be set.
 - Defendant waives presence at future restitution hearing(s).
 - Restitution is not ordered.
- Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a) \$_____, Court costs; Court costs are waived; (RCW 9.94A.030, 10.01.160)
- (b) \$100 DNA collection fee; DNA fee waived (RCW 43.43.754)(crimes committed after 7/1/02);
- (c) \$_____, Recoupment for attorney's fees to King County Public Defense Programs;
 Recoupment is waived (RCW 9.94A.030);
- (d) \$_____, Fine; \$1,000, Fine for VUCSA; \$2,000, Fine for subsequent VUCSA;
 VUCSA fine waived (RCW 69.50.420);
- (e) \$_____, King County Interlocal Drug Fund; Drug Fund payment is waived;
(RCW 9.94A.030)
- (f) \$_____, State Crime Laboratory Fee; Laboratory fee waived (RCW 43.43.690);
- (g) \$_____, Incarceration costs; Incarceration costs waived (RCW 9.94A.760(2));
- (h) \$_____, Other costs for: _____

4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 500⁰⁰. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: Not less than \$_____ per month; On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations: for crimes committed before 7/1/2000, for up to ten years from the date of sentence or release from total confinement, whichever is later; for crimes committed on or after 7/1/2000, until the obligation is completely satisfied. Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.

- Court Clerk's trust fees are waived.
- Interest is waived except with respect to restitution.

4.4 The defendant, having been convicted of a FELONY SEX OFFENSE, is sentenced to the following:

(a) **DETERMINATE SENTENCE** : Defendant is sentenced to a term of confinement in the custody of the
 King County Jail King County Work/Education Release (subject to conditions of conduct ordered
this date) Department of Corrections, as follows, commencing: immediately;

Date: _____ by _____ a.m. / p.m.

84 months/days on count III; _____ months/days on count _____; _____ months/days on count _____;

84 months/days on count IV; _____ months/days on count _____; _____ months/days on count _____;

_____ months/days on count _____; _____ months/days on count _____; _____ months/days on count _____.

ALTERNATIVE CONVERSION - RCW 9.94A.680 (LESS THAN ONE YEAR ONLY):

_____ days of total confinement are hereby converted to:

_____ days of partial confinement to be served subject to the requirements of the King County Jail.

_____ days/hours community restitution under the supervision of the Department of Corrections to
be completed as follows:

on a schedule established by the defendant's Community Corrections Officer;

Alternative conversion was not used because: Defendant's criminal history. Defendant's
failure to appear. Other: _____

**COMMUNITY CUSTODY for FAILURE TO REGISTER AS A SEX OFFENDER under RCW
9A.44.130(11)(a) committed on or after 6-7-2006 as to Counts _____ (regardless of length of
confinement) is ordered pursuant to RCW 9.94A.545(2) and RCW 9.94A.715 for the range of 36 to 48
months.**

**FOR CONFINEMENT LESS THAN ONE YEAR (except for Failure to Register as a Sex
Offender under RCW 9A.44.130(11)(a) committed on or after 6-7-06) as to Counts _____:
COMMUNITY SUPERVISION, for crimes committed before 7-1-2000, CUSTODY, for
crimes committed on or after 7-1-2000, is ordered pursuant to RCW 9.94A.545 for a period of 12 months.
The defendant shall report to the Department of Corrections within 72 hours of this date or of his/her
release if now in custody; shall comply with all the rules, regulations and conditions of the Department for
supervision of offenders (RCW 9.94A.720); shall comply with all affirmative acts required to monitor
compliance; and shall otherwise comply with terms set forth in this sentence.**

APPENDIX _____: Additional Conditions are attached and incorporated herein.

**COMMUNITY PLACEMENT (CONFINEMENT OVER ONE YEAR) as to Counts _____:
pursuant to RCW 9.94A.700, for qualifying crimes committed before 6-6-1996, is ordered for
_____ months or for the period of earned early release awarded pursuant to RCW 9.94A.728,
whichever is longer. [24 months for any serious violent offense, vehicular homicide, vehicular assault, or
sex offense prior to 7-6-96; 12 months for any assault 2°, assault of a child 2°, felony violation of RCW
69.50/52, any crime against person defined in RCW 9.94A.440 not otherwise described above.]**

APPENDIX H, Community Placement conditions, is attached and incorporated herein.

**COMMUNITY CUSTODY (CONFINEMENT OVER ONE YEAR) as to Counts _____:
pursuant to RCW 9.94A.710 for any SEX OFFENSE committed on or after 6-6-1996 but before 7-1-
2000, is ordered for a period of 36 months or for the period of earned early release awarded under RCW
9.94A.728 whichever is longer.**

APPENDIX H, Community Custody conditions, is attached and incorporated herein.

COMMUNITY CUSTODY (CONFINEMENT OVER ONE YEAR) as to Counts III, IV pursuant to RCW 9.94A.715 for qualifying crimes (non RCW 9.94A.712 offenses) committed after 6-30-2000 is ordered for the following established range:

- Sex Offense, RCW 9.94A.030(38): 36 to 48 months
- Serious Violent Offense, RCW 9.94A.030(37): 24 to 48 months
- Violent Offense, RCW 9.94A.030(45): 18 to 36 months
- Crime Against Person, RCW 9.94A.411: 9 to 18 months
- Felony Violation of RCW 69.50/52: 9 to 12 months

or for the entire period of earned early release awarded under RCW 9.94A.728, whichever is longer. Sanctions and punishments for non-compliance will be imposed by the Department of Corrections pursuant to RCW 9.94A.737.

APPENDIX H. Community Custody conditions, is attached and incorporated herein.

(b) **INDETERMINATE SENTENCE - QUALIFYING SEX OFFENSES** occurring after 9-1-2001:

The Court having found that the defendant is subject to sentencing under RCW 9.94A.712, the defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows, commencing: immediately; (Date): _____ by _____ m.

Count ____: Minimum Term: ____ months/days; Maximum Term: ____ years/life;

Count ____: Minimum Term: ____ months/days; Maximum Term: ____ years/life;

Count ____: Minimum Term: ____ months/days; Maximum Term: ____ years/life;

Count ____: Minimum Term: ____ months/days; Maximum Term: ____ years/life.

COMMUNITY CUSTODY: pursuant to RCW 9.94A.712 for qualifying **SEX OFFENSES** committed on or after September 1, 2001, is ordered for any period of time the defendant is released from total confinement before the expiration of the maximum sentence as set forth above. Sanctions and punishments for non-compliance will be imposed by the Department of Corrections pursuant to RCW 9.94A.713, 9.94A.737.

APPENDIX H: Community Custody conditions are attached and incorporated herein.

4.5 **ADDITIONAL CONDITIONS OF SENTENCE**

The above terms for counts 071103615 KNT are consecutive / concurrent.

The above terms shall run CONSECUTIVE CONCURRENT to cause No.(s) _____

The above terms shall run CONSECUTIVE CONCURRENT to any previously imposed sentence not referred to in this order.

In addition to the above term(s) the court imposes the following mandatory terms of confinement for any special **WEAPON** finding(s) in section 2.1: _____

which term(s) shall run consecutive with each other and with all base term(s) above and terms in any other cause. (For crimes committed after 6-10-1998.)

The enhancement term(s) for any special **WEAPON** findings in section 2.1 is/are included within the term(s) imposed above. (For crimes before 6-11-1998 only, per In Re Charles)

The TOTAL of all terms imposed in this cause is 84 months.

Yunk defendant may by motion address the court for consideration of time spent in (Canada), in custody

Credit is given for ~~100~~ 607 days served ~~100~~ days as determined by the King County Jail, solely for confinement under this cause number pursuant to RCW 9.94A505(6). Jail term is satisfied and defendant shall be released under this cause.

645 JT 1096T + 212 consecutive credits / 855 total / 1096T

4.6 NO CONTACT: For the maximum term of 99 years, defendant shall have no contact, direct or indirect, in person, in writing, by telephone, or through third parties with: mc garcia
(malicious)

Any minors without supervision of a responsible adult who has knowledge of this conviction.

4.7 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, as ordered in APPENDIX G.

HIV TESTING: For sexual offense, prostitution offense, drug offense associated with the use of hypodermic needles, the defendant shall submit to HIV testing as ordered in APPENDIX G.

4.8 SEX OFFENDER REGISTRATION:
The defendant shall register as a sex offender as ordered in APPENDIX J.

4.9 ARMED CRIME COMPLIANCE, RCW 9.94A.475-.480. The State's plea/sentencing agreement is attached as follows:

The defendant shall report to an assigned Community Corrections Officer within 72 hours of release from confinement for monitoring of the remaining terms of this sentence.

Date: ~~2/1/08~~ May 13 08

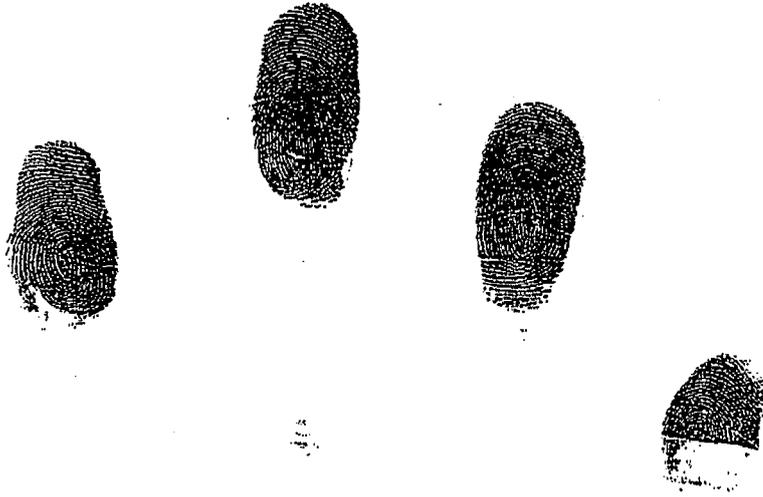
[Signature]
JUDGE
Print Name:

Presented by:
[Signature]
Deputy Prosecuting Attorney, WSBA# 31600
Print Name: Jean Miller

Approved as to form:
[Signature]
Attorney for Defendant, WSBA# 37475
Print Name: BARRY WALLIS

FINGERPRINTS

BEST IMAGE POSSIBLE



RIGHT HAND
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE: _____
DEFENDANT'S ADDRESS: _____

JOSE TOLEDO-SOTELO

DATED: 4-5-13-08
[Signature]
JUDGE, KING COUNTY SUPERIOR COURT

ATTESTED BY: BARBARA MINER
SUPERIOR COURT CLERK
BY: [Signature]
DEPUTY CLERK

CERTIFICATE

OFFENDER IDENTIFICATION

I, _____,
CLERK OF THIS COURT, CERTIFY THAT
THE ABOVE IS A TRUE COPY OF THE
JUDGEMENT AND SENTENCE IN THIS
ACTION ON RECORD IN MY OFFICE.
DATED: _____

S.I.D. NO. WA19665588
DOB: [REDACTED]
SEX: M
RACE: W

CLERK

BY: _____
DEPUTY CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

JOSE TOLEDO-SOTELO,

Defendant,

bu

No. 000-1-05743-8 KNT

APPENDIX G
ORDER FOR BIOLOGICAL TESTING
AND COUNSELING

(1) DNA IDENTIFICATION (RCW 43.43.754):

The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.

(2) HIV TESTING AND COUNSELING (RCW 70.24.340):

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 205-7837 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date:

~~2/1/08~~ May 13 '08

[Handwritten Signature]

JUDGE, King County Superior Court

- (15) Do not possess or peruse sexually explicit materials unless given prior approval by your sexual deviancy treatment specialist and/or Community Corrections Officer.
- (16) Do not attend X-rated movies, peep shows or adult bookstores without the prior approval of your sexual deviancy treatment specialist or Community Corrections Officer.
- (17) If directed by your sexual deviancy treatment specialist or Community Corrections Officer, obtain a mental health evaluation from a qualified provider and complete all treatment recommendations.
- (18) If directed by your sexual deviancy treatment specialist or Community Corrections Officer, undergo an evaluation regarding substance abuse at your expense and follow any recommended treatment as a result of the evaluation.
- (19) Do not use or possess illegal or controlled substances without the written prescription of a licensed physician and to verify compliance, submit to testing and reasonable searches of your person, residence, property and vehicle by the Community Corrections Officer to monitor compliance.
- (20) Do not purchase, possess, or use alcohol (beverage or medicinal), and submit to testing and reasonable searches of your person, residence, property and vehicle by the Community Corrections Officer to monitor compliance.
- (21) Do not change residence without the prior approval of your Community Corrections Officer.
- (22) Obey all laws.
- (23) Maintain Community Corrections Officer approved employment and notify your employer regarding your history of sexual deviancy and rules and regulations regarding children and legal status.
- (24) Pay for counseling costs for victims and their families.
- (25) Within 30 days of sentencing, submit to DNA and HIV testing as required by law.
- (26) Do not change therapist without prior approval of your Community Corrections Officer and treatment therapist.
- (27) Do not access the Internet without the prior approval of your supervising Community Corrections Officer and sex offender treatment provider.
- (28) Abide by any additional conditions imposed by the Washington State Department of Corrections.

Date:

5-13-08


JUDGE, KING COUNTY SUPERIOR COURT

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 vs.)
 Jose Toledo-Stelo)
)
 Defendant,)

No. 001057438 KNT

APPENDIX J
JUDGMENT AND SENTENCE
SEX/ KIDNAPPING OFFENDER NOTICE OF
REGISTRATION REQUIREMENTS

SEX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.200. You are required to register your complete residential address with the sheriff of the county where you reside, because you have been convicted of one of the following sex or kidnapping offenses: Rape 1, 2, or 3; Rape of a Child 1, 2, or 3; Child Molestation 1, 2 or 3; Sexual Misconduct With A Minor 1 or 2; Indecent Liberties; Incest 1 or 2; Voyeurism; Kidnapping 1 or 2 (if victim is a minor and offender is not the minor's parent); Unlawful Imprisonment (if victim is a minor and offender is not the minor's parent); Sexual Exploitation of a Minor; Custodial Sexual Misconduct 1; Criminal Trespass against Children; Dealing in Depictions of a Minor Engaged in Sexually Explicit Conduct; Sending, Bringing Into State Depictions of a Minor Engaged in Sexually Explicit Conduct; Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct; Communication with a Minor for Immoral Purposes; Patronizing a Juvenile Prostitute; Failure to Register as a Sex Offender; any gross misdemeanor that is under RCW 9A.28, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or RCW 9A.44.130 or a kidnapping offense under 9A.44.130; or any felony with a finding of sexual motivation (RCW 9.94A.835 or RCW 13.40.135).

If you are out of custody, you must register immediately upon being sentenced.

If you are in custody, you must register within 24 hours of your release.

If you change your residence within a county, you must send signed written notice of your change of residence to the county sheriff within 72 hours of moving.

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

If you plan to attend a public or private school or institution of higher education in Washington, you are required to notify the county sheriff for the county of your residence within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier. If you are currently attending a public or private school or institution of higher education in Washington, you must notify the county sheriff, for the county where the school is located, immediately.

If you lack a fixed residence, you are required to register as homeless. You must also report in person to the sheriff of the county where you registered on a weekly basis. If you are under DOC supervision and lack a fixed residence, you must register in the county where you are being supervised. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county within 24 hours.

If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within 3 business days after returning to this state or within 24 hours if you are under the jurisdiction of the state department of corrections, the indeterminate sentence review board or the department of social and health services.

If you move to a new state, you must register with the new state within 10 days after establishing residence. You must also send written notice, within 10 days of moving to the new state, to the county sheriff with whom you last registered in Washington State.

If you are not a resident of Washington, but attend school, are employed, or carry on a vocation in the State of Washington, you must register with the county sheriff for the county where your school, place of employment, or vocation is located.

If you are ranked as a Level II or Level III offender (even if you have a fixed residence), you must report, in person, every ninety days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours.

The King County Sheriff's Office sex offender registration desk is located on the first floor of the King County Courthouse- 516 3rd Avenue, Seattle, WA. Failure to comply with registration requirements is a criminal offense.

Copy Received:

Defendant

Date

JUDGE

APPENDIX J Rev. 8/06
Distribution:
Original/White - Clerk
Yellow - Defendant
Pink - King County Jd

Translated by Roxana S. Goh

WORKING COPY

FILED

FAX HIV

08 MAY 16 AM 9:50

KING COUNTY
SUPERIOR COURT CLERK
KENT, WA

PRESENTENCING STATEMENT & INFORMATION ATTACHED

CERTIFIED COPY TO COUNTY JAIL MAY 16 2008

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 Vs.)
)
 JOSE TOLEDO-SOTELO)
)
 Defendant.)

No. 07-1-103615-KNT
JUDGMENT AND SENTENCE
FELONY

311886
6-17-08
BCC

* CLERK'S ACTION REQUIRED (p3)

I. HEARING

I.1 The defendant, the defendant's lawyer, BARRY WALLIS, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were:

Victim's family,
defendant's significant other - WIFE

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 9/10/2007 by jury verdict of:

Count No.: <u>I</u>	Crime: <u>BAIL JUMPING</u>	Crime Code: <u>05156</u>
RCW <u>9A.76.170</u>		Incident No. _____
Date of Crime: <u>9/21/2000</u>		
Count No.: _____	Crime: _____	Crime Code: _____
RCW _____		Incident No. _____
Date of Crime: _____		
Count No.: _____	Crime: _____	Crime Code: _____
RCW _____		Incident No. _____
Date of Crime: _____		
Count No.: _____	Crime: _____	Crime Code: _____
RCW _____		Incident No. _____
Date of Crime: _____		

[] Additional current offenses are attached in Appendix A

EXHIBIT 2

SPECIAL VERDICT or FINDING(S):

- (a) While armed with a firearm in count(s) _____ RCW 9.94A.510(3).
- (b) While armed with a deadly weapon other than a firearm in count(s) _____ RCW 9.94A.510(4).
- (c) With a sexual motivation in count(s) _____ RCW 9.94A.835.
- (d) A V.U.C.S.A. offense committed in a protected zone in count(s) _____ RCW 69.50.435.
- (e) Vehicular homicide Violent traffic offense DUI Reckless Disregard.
- (f) Vehicular homicide by DUI with _____ prior conviction(s) for offense(s) defined in RCW 41.61.5055, RCW 9.94A.510(7).
- (g) Non-parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A.44.130.
- (h) Domestic violence offense as defined in RCW 10.99.020 for count(s) _____.
- (i) Current offenses encompassing the same criminal conduct in this cause are count(s) _____ RCW 9.94A.589(1)(a).

2.2 OTHER CURRENT CONVICTION(S): Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): 00-1-05743-8KNT ~~002~~-1(2 COUNTS)
CM

2.3 CRIMINAL HISTORY: Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.525):
 Criminal history is attached in Appendix B.
 One point added for offense(s) committed while under community placement for count(s) _____

2.4 SENTENCING DATA:

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count 1	X 2	V			13-17 MONTHS 13-17	5 YRS AND/OR \$10,000
Count						
Count						
Count						

Additional current offense sentencing data is attached in Appendix C.

2.5 EXCEPTIONAL SENTENCE (RCW 9.94A.535):

Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) _____. Findings of Fact and Conclusions of Law are attached in Appendix D. The State did did not recommend a similar sentence.

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A.
 The Court DISMISSES Count(s) _____

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

4.1 RESTITUTION AND VICTIM ASSESSMENT:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
- Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(2), sets forth those circumstances in attached Appendix E.

Restitution to be determined at future restitution hearing on (Date) _____ at _____ m.

Date to be set.

Defendant waives presence at future restitution hearing(s).

Restitution is not ordered.

Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a) \$ _____, Court costs; Court costs are waived; (RCW 9.94A.030, 10.01.160)
- (b) \$100 DNA collection fee; DNA fee waived (RCW 43.43.754)(crimes committed after 7/1/02);
- (c) \$ _____, Recoupment for attorney's fees to King County Public Defense Programs; Recoupment is waived (RCW 9.94A.030);
- (d) \$ _____, Fine; \$1,000, Fine for VUCSA; \$2,000, Fine for subsequent VUCSA; VUCSA fine waived (RCW 69.50.430);
- (e) \$ _____, King County Interlocal Drug Fund; Drug Fund payment is waived; (RCW 9.94A.030)
- (f) \$ _____, State Crime Laboratory Fee; Laboratory fee waived (RCW 43.43.690);
- (g) \$ _____, Incarceration costs; Incarceration costs waived (RCW 9.94A.760(2));
- (h) \$ _____, Other costs for: _____

4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 500⁰⁰. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: Not less than \$ _____ per month; On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations: for crimes committed before 7/1/2000, for up to ten years from the date of sentence or release from total confinement, whichever is later; for crimes committed on or after 7/1/2000, until the obligation is completely satisfied. Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.

- Court Clerk's trust fees are waived.
- Interest is waived except with respect to restitution.

4.4 CONFINEMENT OVER ONE YEAR: Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows, commencing: immediately; [] (Date): _____ by _____ m.

13 months/days on count I; _____ months/days on count _____; _____ months/day on count _____
_____ months/days on count _____; _____ months/days on count _____; _____ months/day on count _____

The above terms for counts _____ are consecutive / concurrent.

The above terms shall run [] CONSECUTIVE CONCURRENT to cause No.(s) 601057438KNT

The above terms shall run [] CONSECUTIVE CONCURRENT to any previously imposed sentence not referred to in this order.

[] In addition to the above term(s) the court imposes the following mandatory terms of confinement for any special WEAPON finding(s) in section 2.1: _____

which term(s) shall run consecutive with each other and with all base term(s) above and terms in any other cause. (Use this section only for crimes committed after 6-10-98)

[] The enhancement term(s) for any special WEAPON findings in section 2.1 is/are included within the term(s) imposed above. (Use this section when appropriate, but for crimes before 6-11-98 only, per In Re Charles)

The TOTAL of all terms imposed in this cause is 13 months.

Credit is given for 252 ^{288 JT W/LET} days served [] days as determined by the King County Jail, solely for confinement under this cause number pursuant to RCW 9.94A.505(6).

4.5 NO CONTACT: For the maximum term of 000 years, defendant shall have no contact with _____

4.6 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, as ordered in APPENDIX G.

[] HIV TESTING: For sex offense, prostitution offense, drug offense associated with the use of hypodermic needles, the defendant shall submit to HIV testing as ordered in APPENDIX G.

4.7 (a) [] COMMUNITY PLACEMENT pursuant to RCW 9.94A.700, for qualifying crimes committed before 7-1-2000, is ordered for _____ months or for the period of earned early release awarded pursuant to RCW 9.94A.728, whichever is longer. [24 months for any serious violent offense, vehicular homicide, vehicular assault, or sex offense prior to 6-6-96; 12 months for any assault 2°, assault of a child 2°, felony violation of RCW 69.50/52, any crime against person defined in RCW 9.94A.411 not otherwise described above.] APPENDIX H for Community Placement conditions is attached and incorporated herein.

(b) [] COMMUNITY CUSTODY pursuant to RCW 9.94.710 for any SEX OFFENSE committed after 6-5-96 but before 7-1-2000, is ordered for a period of 36 months or for the period of earned early release awarded under RCW 9.94A.728, whichever is longer. APPENDIX H for Community Custody Conditions and APPENDIX J for sex offender registration is attached and incorporated herein.

- (c) **COMMUNITY CUSTODY** - pursuant to RCW 9.94A.715 for qualifying crimes committed after 6-30-2000 is ordered for the following established range:
- Sex Offense, RCW 9.94A.030(38) - 36 to 48 months—when not sentenced under RCW 9.94A.712
 - Serious Violent Offense, RCW 9.94A.030(37) - 24 to 48 months
 - Violent Offense, RCW 9.94A.030(45) - 18 to 36 months
 - Crime Against Person, RCW 9.94A.411 - 9 to 18 months
 - Felony Violation of RCW 69.50/52 - 9 to 12 months

n/a

or for the entire period of earned early release awarded under RCW 9.94A.728, whichever is longer. Sanctions and punishments for non-compliance will be imposed by the Department of Corrections pursuant to RCW 9.94A.737.

- APPENDIX H for Community Custody conditions is attached and incorporated herein.
- APPENDIX J for sex offender registration is attached and incorporated herein.

4.8 **WORK ETHIC CAMP:** The court finds that the defendant is eligible for work ethic camp, is likely to qualify under RCW 9.94A.690 and recommends that the defendant serve the sentence at a work ethic camp. Upon successful completion of this program, the defendant shall be released to community custody for any remaining time of total confinement. The defendant shall comply with all mandatory statutory requirements of community custody set forth in RCW 9.94A.700. Appendix H for Community Custody Conditions is attached and incorporated herein.

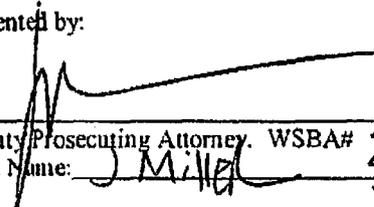
n/a

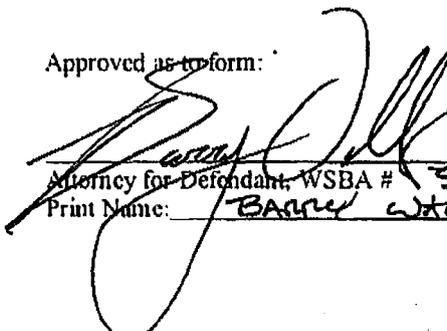
4.9 **ARMED CRIME COMPLIANCE, RCW 9.94A.475, 480.** The State's plea/sentencing agreement is attached as follows:

The defendant shall report to an assigned Community Corrections Officer upon release from confinement for monitoring of the remaining terms of this sentence.

Date: May 13 08

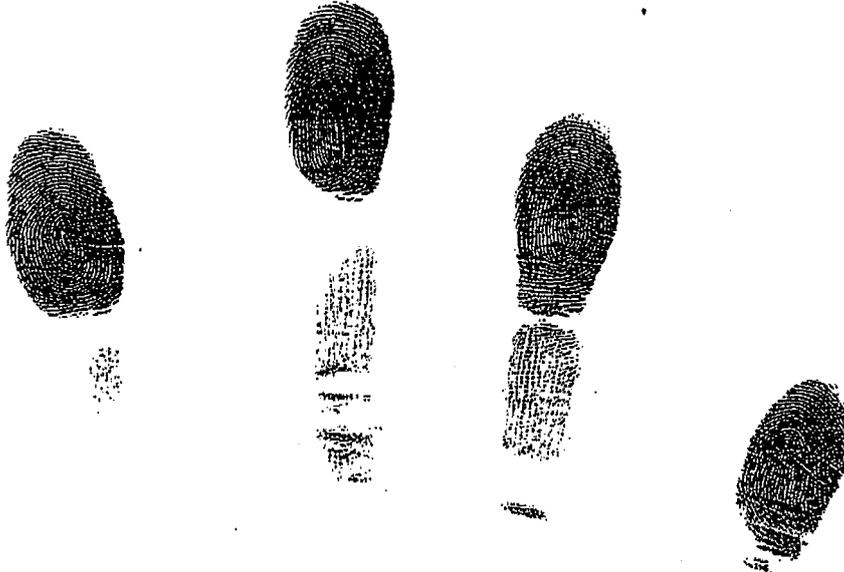

 JUDGE
 Print Name: _____

Presented by:

 Deputy Prosecuting Attorney, WSBA# 31600
 Print Name: J Miller

Approved as to form:

 Attorney for Defendant, WSBA # 57425
 Print Name: Barry Wilcox

FINGERPRINTS

BEST IMAGE POSSIBLE



RIGHT HAND
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE: [Signature]
DEFENDANT'S ADDRESS: _____

JOSE TOLEDO-SOTELO

DATED: 05/16/08

[Signature]

JUDGE, KING COUNTY SUPERIOR COURT

ATTESTED BY: BARBARA MINEX,
SUPERIOR COURT CLERK

BY: [Signature]

DEPUTY CLERK

CERTIFICATE

OFFENDER IDENTIFICATION

I, _____,
CLERK OF THIS COURT, CERTIFY THAT
THE ABOVE IS A TRUE COPY OF THE
JUDGEMENT AND SENTENCE IN THIS
ACTION ON RECORD IN MY OFFICE.
DATED: _____

S.I.D. NO. WA19665588

DOB: [REDACTED]

SEX: M

RACE: W

CLERK

BY: _____

DEPUTY CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)	
)	
	Plaintiff,) No. 07-1-103615-KNT
))
vs.)	APPENDIX G
)	ORDER FOR BIOLOGICAL TESTING
JOSE TOLEDO-SOTELO)	AND COUNSELING
)	
	Defendant,)
)	

(1) DNA IDENTIFICATION (RCW 43.43.754):

The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.

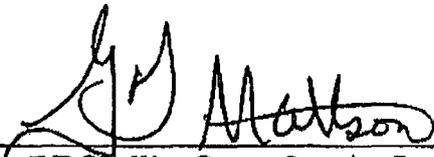
(2) HIV TESTING AND COUNSELING (RCW 70.24.340):

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 205-7837 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date: May 13 '08



JUDGE, King County Superior Court

RECEIVED

SEP 24 2008

CBCC RECORDS OFFICE

FILED
KING COUNTY, WASHINGTON

AUG 08 2008

SUPERIOR COURT CLERK
BY: NANCY L. SLYE
DEPUTY

CERTIFIED COPY TO COUNTY JAIL AUG 08 2008

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 00-1-05743-8 KNT

vs.

Order Correcting Judgment and Sentence

Jose Toledo Sotelo,

Defendant.

The Court modifies the original judgment and sentence by deleting the community custody range and providing an order for 36 months community custody following release from confinement on these convictions.

Signed this 8 August of July 2008

~~Jennifer Miller DPA WSEA #31600~~

~~Barry Wallace defense attorney~~


The Honorable George T. Mattson

EXHIBIT 3

Daniel T. Satterberg, Prosecuting Attorney
Norm Maling Regional Justice Center
401 Fourth Avenue North
Kent, Washington 98032-4429



Order Correcting Judgment and Sentence - 1

ORIGINAL SCANNED

Inmate: TOLEDOSOTELO, Jose (311886)

Gender: Male	DOB: [REDACTED]	Age: 44	Category: Regular Inmate	Body Status: Active Inmate
RLC: LOW	Wrap-Around: No	Comm. Concern: No	Custody Level: Minimum 3 - Long Term Minimum	Location: CBCC-MSA - H / HA06L
ERD: 04/15/2012	Victim Sensitive: No	CC/CCO: Donatacci, Helen R		

Offender Information (Combined)

Prison Max Expiration Date:	02/12/2013	Last Static Risk Assessment Date:	03/18/2009	DOSA?
Planned Release Date:		Last Offender Need Assessment Date:	03/18/2009	ISRB? No
Earned Release Date:	04/15/2012	RLC Override Reason:		CCB? No
ESR Sex Offender Level:				SOSSA? No
ESR Sex Offender Level Date:		Offender Release Plan:		Notification WEP? No
County Sex Offender Level:		Victim Witness Eligible?	Yes	
Registration Required?	Undetermined	County Of First Felony Conviction:	King	
ORCS?	No	TOLEDOSOTELO 011141111		
DD?	No			
SMIO?				

Personal Characteristics

Aliases, Dates of Birth and Places of Birth			
Aliases			
*Last Name:	First Name:	Middle Name or Initial:	Suffix:
TOLEDO SOTELO	Jose		
TOLEDO	Jose		
TOLEDO	Sotelo	Jose	
SOTELO	Jose		
Dates of Birth		Places of Birth	
*Dates of Birth:	Use for Age Calculation?	City:	State / Province: Country:
[REDACTED]	Yes	Unknown	Mexico

Identifications			
General			
FBI Number:	FBI Fingerprint Code:	WA State ID Number:	ICE Registration Number:

EXHIBIT 4

	WA 1966588	AZ 75540735
Social Security Social Security Number: Valldated with SSA? <div style="text-align: center;">N</div>		Driver's License Driver's License Number: State / Province: Country:
Jurisdiction *Type of Jurisdiction: County/State/Country: *Other Jurisdiction Number:		

Physical Description / Marital Status				
*Gender:	Hair Color:	Eye Color:	Complexion:	Marital Status:
Male	Gray	Brown	Brown	Married
Height:	Weight:	*Person Type:	*Twin or Multiple Births?	
5 Ft. 7 In.	190 Lbs	DOC	N	

Race, Hispanic Origin and Citizenship				
*Race:	Ethnic Affiliation:	Use for Documentation?	Hispanic Origin?	Citizenship:
White	Chicano/Spanish	Y	Y	Mexico

Languages				
Language:	Comprehend?	Read?	Prefers:	
English	Yes	No		
Spanish	Yes	Yes	Yes	

Scars, Marks and Tattoos				
SMT Type:	SMT Subtype:	Body Part:	Description:	
Remarks OBTS Conversion: SEE DT37 061908				

Religion and Diet					
Religious Preference:	Denomination or Sect:	Diet Name:	Approved At:	Effective Date:	End Date:
Christian	Protestant			06/01/2008	

Primary, Mailing and Other Addresses						
Role:	Name and Address:	Current Residence?	Valid for Mailing?	Disclosable?	Effective Date:	End Date:
Offender Primary Address		Y		Y	01/25/2008	
Offender Mailing Address			Y	Y	01/25/2008	

980366116

Emergency Contacts

Relationship: Emergency Contact Name and Address: Phone Number: Effective Date: End Date:
 Wife [REDACTED] 07/31/2008
 OBTS Emergency Contact Info Follows:
 [REDACTED]
 OBTS Conversion

Email Addresses and Phone Numbers

Email Addresses

Role: Name: Email Address: Effective Date: End Date:

Phone Numbers

Role: Name: Phone Number: Effective Date: End Date:
 Offender Primary Telephone [REDACTED] 06/19/2008

Employers

Employer Name: Occupation: Contact Name: Address: Employer Email: Phone Number: Monthly Income: Effective Date: End Date:

Other Monthly Income

Other Monthly Income Description (Current): Other Monthly Income Amount (Current):
 Monthly Income From All Sources (Current): \$0.00

Military Service

Claim Number:
 Branch: Start Date: End Date: Served In: Service Number: Type of Discharge: DD214 Verified? War Zones:

Vehicles

Year: Make: Model: Type: Color: License Plate Number: State: Country:

Sentence Structure (Field)

Cause: AA - 001057438 - King

Convicted Name: Date Of Sentence: Cause Status: Offense Category:
 Jose Toledosotelo 05/13/2008 Active Sex: Crimes
 Distinct Supervision Type: Start Date: Scheduled End Date: Consecutive Supervision:
 CCP 04/15/2012 04/15/2015

Count: 1 - RCW 9A.44.083 - Child Molestation 1

Count Start Date: Supervision Length: Length In Days: Count End Date: Stat Max:
 04/15/2012 0Y, 36M, 0D 1,095 04/15/2015 Life
 Violent Offense? DW / FA Enhancement? Anticipatory:
 Yes N

Count: 2 - RCW 9A.44.083 - Child Molestation 1

Count Start Date:	Supervision Length:	Length In Days:	Count End Date:	Stat Max:
04/15/2012	0Y, 36M, 0D	1,095	04/15/2015	Life
Violent Offense?	DW / FA Enhancement?	Anticipatory:		
Yes	N			

Cause: AB - 071103615 - King

Convicted Name:	Date Of Sentence:	Cause Status:	Offense Category:
Jose Toledosotelo	05/13/2008	Active	Unknown
Distinct Supervision Type:	Start Date:	Scheduled End Date:	Consecutive Supervision:
MON	04/15/2012		

Count: 1 - RCW 9A.76.170 - Bail Jump

Count Start Date:	Supervision Length:	Length In Days:	Count End Date:	Stat Max:
04/15/2012	0Y, 0M, 0D	0		Life
Violent Offense?	DW / FA Enhancement?	Anticipatory:		
No	N			

Sentence Structure (Inmate)

Cause: AA - 001057438 - King

State:	Convicted Name:	Date Of Sentence:	Consecutive Cause:
Washington	Jose Toledosotelo	05/13/2008	
Time Start Date:	Confinement Length:	Earned Release Date:	
06/17/2008	7Y, 0M, 0D	04/15/2012	

Count: 1 - RCW 9A.44.083 - Child Molestation 1

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				7Y, 0M, 0D	15.00%	04/15/2012	02/12/2013	Life	Yes
Supervision Type:	Supervision Length:	Consecutive Count:					Hold To Stat Max:	Expiration:	
CCP	0Y, 36M, 0D								

Count: 2 - RCW 9A.44.083 - Child Molestation 1

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				7Y, 0M, 0D	15.00%	04/15/2012	02/12/2013	Life	Yes
Supervision Type:	Supervision Length:	Consecutive Count:					Hold To Stat Max:	Expiration:	
CCP	0Y, 36M, 0D								

Cause: AB - 071103615 - King

State:	Convicted Name:	Date Of Sentence:	Consecutive Cause:
Washington	Jose Toledosotelo	05/13/2008	

Time Start Date: 06/17/2008
 Confinement Length: 1Y, 1M, 0D
 Earned Release Date: 06/17/2008

Count: 1 - RCW 9A.76.170 - Bail Jump

Anticipatory: Modifier: Enhancement: Mandatory: Confinement Length: 1Y, 1M, 0D
 ERT %: 33.33% ERD: 06/17/2008 MaxEx: 06/17/2008 Stat Max: Life Violent Offense? No
 Supervision Type: MON Supervision Length: 0Y, 0M, 0D Consecutive Count: Hold To Stat Max: Expiration:

Conditions

Cause: AA - 001057438 - King

Condition Name	Narrative	Imposing Authority	Start Date	End Date
Advise CCO-Prescribed Meds		Court Ordered	06/17/2008	
CCO-Report		Court Ordered	06/17/2008	
Comply-Affirmative Acts		Court Ordered	06/17/2008	
Controlled Substance- Consume		Court Ordered	06/17/2008	
Controlled Substance- Possess		Court Ordered	06/17/2008	
Maintain Ed/Voc		Court Ordered	06/17/2008	
Maintain Employment		Court Ordered	06/17/2008	
No Contact- Victim(S)	[REDACTED] FOR 99 YEARS	Court Ordered	05/13/2008	
No Firearms/Deadly Weapon		Court Ordered	06/17/2008	
Pay Supervision Fees		Court Ordered	06/17/2008	
Sex Offender/Living		Court Ordered	06/17/2008	

Violations Summary

Offender Violations	Level of Response	Response Date
Violation Group Number		
There is no data to display.		

Gain-Loss

Cause - 001057438 - King

Cause Info			
Convicted Name: Jose Toledosotelo	Date Of Sentence: 05/13/2008	Schedule End Date: 04/15/2015	Cause Status:
Crime Type: Sex Crimes	DOSA: No	Intake Complete: No	EM Flag: No
Distinct Supervision Info			
Cause Prefix: AA Type: CCP Statutory Max Date: Life Schedule End Date: 04/15/2015 Tolling Indicator: No			
Supervision Activities			
Supervision Type	Activity Type	Activity Date	State Supervising Officer Field Office
There is no data to display.			

Reorder
Include Transfer Activities

Cause - 071103615 - King

Cause Info					
Convicted Name: Jose Toledosotelo	Date Of Sentence: 05/13/2008	Schedule End Date:	Cause Status:		
Crime Type: Unknown	DOSA: No	Intake Complete: No	EM Flag: No		
Distinct Supervision Info					
Cause Prefix: AB	Type: MON	Statutory Max Date: Life	Schedule End Date:	Tolling Indicator: No	
Supervision Activities					
Supervision Type	Activity Type	Activity Date	State	Supervising Officer	Field Office
There is no data to display.					
Reorder <u>Include Transfer Activities</u>					

External / Internal Movements

Movement Date/Time	From Location	To Location	Movement Type		Movement Reason			Created By
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
CBCC-MSC	06/28/2010	HA06L	Donatacci, Helen R	70051967	03/19/2010			Romero, Jason M
CBCC-MSC	08/13/2009	HA06U	Donatacci, Helen R	70051967	03/19/2010			Newman, Geraldine L
CBCC-MSC	08/13/2009	HA06U	Woodhouse, Michael J	70052010	07/22/2009			Bowen, Kevin G
CBCC-MSC	07/22/2009	HA06L	Woodhouse, Michael J	70052010	07/22/2009			Ernst, Helen J
CBCC-MSC	07/22/2009	HA06L	Woodhouse, Michael J	70052010	07/22/2009			Ernst, Helen J
07/22/2009 09:01:00	CBCC	CBCC-MSC		Transfer Between Prisons		Program Change		Ernst, Helen J
07/22/2009 09:00:00	CBCC	CBCC-MSC		Transfer Between Prisons		Program Change		Ernst, Helen J
CBCC	07/06/2009	EB10L	Woodhouse, Michael J	70052010	07/22/2009	Pending Investigation		Ernst, Helen J
07/03/2009 06:09:00	CBCC-MSC	CBCC		Transfer Between Prisons		Program Change		Ernst, Helen J
07/03/2009 05:50:00	CBCC-MSC	CBCC		Transfer Between Prisons		Program Change		Ernst, Helen J
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By

Name	Assignment	ID	Counselor	ID	Assignment	Placement	Narrative	By
CBCC-MSC	06/17/2009	HA23L	Woodhouse, Michael J	70052010	02/09/2009			Ernst, Helen J
CBCC-MSC	04/28/2009	HA23U	Woodhouse, Michael J	70052010	02/09/2009			Ernst, Helen J
CBCC-MSC	11/17/2008	HA04L	Woodhouse, Michael J	70052010	02/09/2009			Ernst, Helen J
CBCC-MSC	08/20/2008	HA04U	Woodhouse, Michael J	70052010	02/09/2009			Ernst, Helen J
CBCC-MSC	08/06/2008	HB12U	Woodhouse, Michael J	70052010	02/09/2009			Ernst, Helen J
CBCC-MSC	08/06/2008	HB12U	Leverington, Eric L	70052010	01/01/2009			Ernst, Helen J
CBCC-MSC	08/06/2008	HB12U	Mason, James D	70052010	12/12/2008			Ernst, Helen J
CBCC-MSC	08/06/2008	HB12U	Woodhouse, Michael J	70052010	02/09/2009			Ernst, Helen J
CBCC-MSC	08/06/2008	HB12U	Donatacci, Helen R	70051967	08/07/2008			Osborne, Scott J
CBCC-MSC	08/06/2008	HB12U	Woodhouse, Michael J	70052010	08/06/2008			Mclean, Caryn L
CBCC-MSC	08/06/2008	HB12U	Woodhouse, Michael J	70052010	08/06/2008			Ernst, Helen J
08/06/2008 09:08:38	WCC-RC	CBCC-MSC			Transfer Between Prisons		Initial Classification	Mclean, Caryn L
08/06/2008 06:46:16	WCC-RC	CBCC-MSC			Transfer Between Prisons		Initial Classification	Ricker, Eugene K
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
WCC-RC	07/11/2008	5D14U	Carter, James H	70045070	06/21/2008			Ricker, Eugene K
WCC-RC	07/01/2008	2E04U	Carter, James H	70045070	06/21/2008			System, Obts
WCC-RC	06/21/2008	2E05L	Carter, James H	70045070	06/21/2008			System, Obts
			Carter, James H	70045070	06/21/2008			Ricker, Eugene K
WCC-RC	06/17/2008	2E04L	Carter, James H	70045070	06/21/2008			System, Obts
06/17/2008 11:50:00	King	WCC-RC			Admission To Prison		Initial Classification	System, Obts

Earned Time

Start Date	End Date	Action Date	Type	Reason	Days
06/17/2008	05/01/2009	05/05/2009	Earned		18.71
05/01/2009	07/01/2009	07/23/2009	Earned		3.59
07/01/2009	03/01/2010	03/23/2010	Earned		14.29
03/01/2010	05/01/2010	05/03/2010	Earned		3.59

Infraction Summary

Offender Infraction						
Infraction Group Number	Overall Infraction Report Status	Hearing Type	Infraction Data Indicator	Incident Date	Violation Codes	
1	Hearing Complete	Full Hearing	General	On 01/16/2009	301	
2	Hearing Complete	Full Hearing	Serious	On 07/03/2009	505	

Offender Holds

Start Date/Time	Hold Reason	Hold Location	Notes Exist	Authorizing Staff	Hold Until Date	Closed Date	Closed By
05/03/2010 14:01:30	Facility Plan Review	CBCC-MSD		<u>Donatacci, Helen R</u>	06/02/2010	05/03/2010	<u>Donatacci, Helen R</u>
03/23/2010 14:45:31	Facility Plan Review	CBCC-MSD		<u>Donatacci, Helen R</u>	04/22/2010	03/25/2010	<u>Donatacci, Helen R</u>
01/13/2010 12:42:10	Transition and Release Program	CBCC-MSD	Yes	<u>Woodhouse, Michael J</u>	09/15/2010		
07/07/2009 07:12:15	Infraction Hold	CBCC		<u>Long, Kelly R</u>	08/06/2009	07/13/2009	<u>Long, Kelly R</u>
02/27/2009 15:57:14	Facility Plan Review	CBCC-MSD		<u>Woodhouse, Michael J</u>	04/19/2009	05/04/2009	<u>Woodhouse, Michael J</u>
09/09/2008 08:50:56	Facility Plan Review	CBCC-MSD		<u>Woodhouse, Michael J</u>		09/22/2008	
08/11/2008 15:09:32	Facility Plan Review	CBCC-MSD		<u>Woodhouse, Michael J</u>		09/22/2008	
08/11/2008 15:08:22	Facility Plan Review	CBCC-MSD		<u>Woodhouse, Michael J</u>		09/22/2008	
07/08/2008 15:56:00	Minimum 2 Targeted	WCC-RC		<u>Carter, James H</u>	12/17/2008	07/08/2008	

Custody Facility Plan History

Next Review Date

10/15/2010

Current Incarceration

Review Type/Purpose	Assigned Custody	Override Reason	Location	In-Effect Date	Status
Regular Review	Minimum 3 - Long Term Minimum	Detainer	CBCC-MSD	05/03/2010	In-Effect
Regular Review	Minimum 3 - Long Term Minimum	Detainer	CBCC-MSD	03/25/2010	Archive
Plan Change	Minimum 3 - Long Term	Detainer	CBCC-MSD	05/04/2009	Archive

Intake	Minimum		
Initial	Medlum	CBCC-MS	09/22/2008 Archive
	Medlum		07/30/2008 Archive

(2) 311366

FILED

08 JUN 18 AM 9:37

KING COUNTY
SUPERIOR COURT CLERK
KENT, WA

RECEIVED

SEP 24 2008

CBCC RECORDS OFFICE

SEP 18 2008

CERTIFIED COPY TO COUNTY JAIL

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

STATE OF WASHINGTON,) NO. 00-105743-8-KNT & 07-1-10361-5 KNT
)
 Plaintiff,) SENTENCING ORDER
) *W/ regard to credit for*
 vs.) *time served*
)
 JOSE TOLEDO-SOTELO,)
)
 Defendant)

IT IS HEREBY ORDERED that Mr. JOSE TOLEDO-SOTELO ~~will serve a total of 84~~ *92*
~~months in Prison as punishment for his crimes in the above noted cases and he shall receive~~
 credit for his incarceration from the moment he was taken into custody in Canada on February
 13th 2006 until the present day. This period shall be understood to include the period while he
 was being detained within the United States after the Canadian government extradited him to
 this country. ~~This sentencing order is originally drafted on Monday, June 16th 2006.~~ *92* As of
 today's drafting date, and including today's date, Mr. TOLEDO-SOTELO has served the
 following amount of time: 855 days. ~~This can also be understood as 3 years, 4 months, and 4~~ *92*
~~days (including the end date). This can also be understood as 12 weeks (rounded down).~~ It is

SENTENCING ORDER
Page 1 of 2

BARRY J. WALLIS
WALLIS LAW FIRM, PLLC.
9615 Bridgeport Way SW
Lakewood, Washington 98499
Telephone: (253) 584-1110
Fax: (253) 584-8858

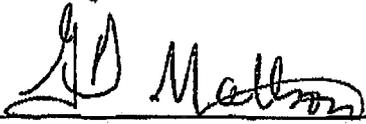
POSTED

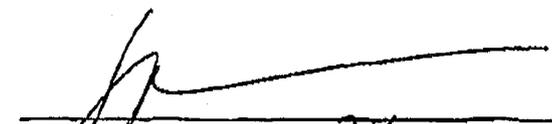
EXHIBIT 5

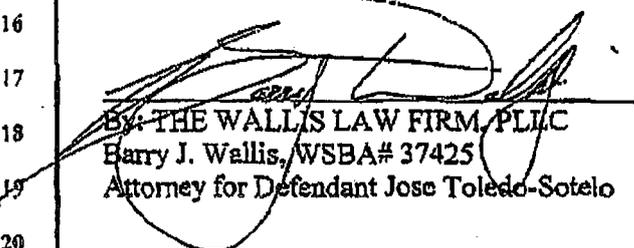
SCANNED

1 hereby ordered that Mr. Toledo-Sotelo shall receive credit for 855 days of physical
2 incarceration as of June 16th, 2008 at midnight. ~~The total sentence for all of his above noted~~ *egw*
3 ~~charges is 84 months to be served concurrently.~~
4

5
6 DONE IN OPEN COURT THIS 17 day of June 2008.

7
8 
9 _____
10 Honorable Judge George T. Mattson

11
12 
13 _____
14 Jennifer Miller, WSBA # 31600
15 Prosecutor for the State of Washington

16
17 
18 _____
19 BY: THE WALLIS LAW FIRM, PLLC
20 Barry J. Wallis, WSBA# 37425
21 Attorney for Defendant Jose Toledo-Sotelo
22
23
24
25

Washington State
Department of Corrections

Offender Management Network Information

DOC No: 311886 Go

Selected DOC No.: 311886 TOLEDOSOTELO, Jose

Home | Assignments | Offender | Facility | Search | Administration

Help Logged in as Kimberly Sobel

Home > Offender > Sentence Information > View J & S - Prison

Sentence Information Menu

Inmate: TOLEDOSOTELO, José (311886)

Legal Face Sheet

- View J & S - Prison
- View J & S - Field
- Conditions
- Earned Time
- Problem J & S

Gender: Male	DOB: [REDACTED]	Age: 44	Category: Regular Inmate	Body Status: Active Inmate
PLC: LOW	Wrap-Around: No	Comm. Concern: No	Custody Level: Minimum 3- Long Term Minimum	Location: CBCC-MSC - H / HAC6L
FRD: 04/15/2012	Victim Sensitive: No		CC/CCO: Donatoco, Helen R	

View J & S - Prison

Period Of Jurisdiction
05/17/2008 - Current

Display
 Include Good Causes

Sentence Drilldown:
Cause, Count, & Confinement Elements
WEP Eligible Offender: No

Details
 ERD Calculations MaxEx Calculations StatMax Calculations
 Cut Time Graphical Sentence View

Cause	Count	Confinement Element	Consecutive Confinement	Status	Confinement Length	Time Start Date	ERD	+ Length In Days	+ Cause Credits	- Cause ERT Credit	ERT %	Potential ET	ET Earned	+ ET Not Earned	Available ET	Potential SCT	SCT Certified	+ SCT Lost	Available SCT	+ Out Time	MaxEx	Stat Max
Offender Overall				Active	7Y, 0M, 0D	05/17/2008	04/15/2012	-	-	-	-	-	-	-	-	-	-	-	-	-	02/12/2013	Life
AA-001057438-King-CCP				Active	7Y, 0M, 0D	05/17/2008	04/15/2012	2,556	855	109	15.00%	79.59	40.18	0.00	39.42	159	0	45	114	0	02/12/2013	Life
		1- Child Molestation 1		Active	7Y, 0M, 0D	05/17/2008	04/15/2012	2,556	855	109	15.00%	79.59	40.18	0.00	39.42	159	0	45	114	0	02/12/2013	Life
		Base			7Y, 0M, 0D	05/17/2008	04/15/2012	2,556	855	109	15.00%	79.59	40.18	0.00	39.42	159	0	45	114	0	-	-
		2- Child Molestation 1		Active	7Y, 0M, 0D	05/17/2008	04/15/2012	2,556	855	109	15.00%	79.59	40.18	0.00	39.42	159	0	45	114	0	02/12/2013	Life
		Base			7Y, 0M, 0D	05/17/2008	04/15/2012	2,556	855	109	15.00%	79.59	40.18	0.00	39.42	159	0	45	114	0	-	-
		AB-071103615-King-MON		Pending Field	1Y, 1M, 0D	05/17/2008	05/17/2008	395	395	0	33.33%	-	-	-	0	0	0	0	0	0	05/17/2008	Life
		1- Bail Jump		Pending Field	1Y, 1M, 0D	05/17/2008	05/17/2008	395	395	0	33.33%	0.00	0.00	0.00	0.00	0	0	0	0	0	05/17/2008	Life
		Base			1Y, 1M, 0D	05/17/2008	05/17/2008	395	395	0	33.33%	0.00	0.00	0.00	0.00	0	0	0	0	0	-	-

Sanctions

Maintain

Action

EXHIBIT 8

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

In re the Personal Restraint Petition of:

JOSE TOLEDO-SOTELO,

Petitioner.

DECLARATION OF
KATHY EUBANK

I, KATHY EUBANK, make the following declaration:

1. I am a Secretary Supervisor for the Department of Corrections (DOC) at the Clallam Bay Corrections Center in Clallam Bay, Washington. I have knowledge of the facts stated herein and am competent to testify.

2. The DOC maintains an inmate central file for each offender. This file contains information on an inmate's sentence structure and documents relevant to his incarceration. As a secretary supervisor, I am a custodian of records kept by DOC in the ordinary course of business.

3. When an offender is received into the custody of DOC, a certified copy of his judgment and sentence becomes an official record in his DOC central file.

4. Upon request of the Attorney General's Office, I provided correct copies of several documents from the central file of inmate Jose Toledo-Sotelo, DOC No. 311886, to be used as exhibits. These include

EXHIBIT 9

the Judgments and Sentences for King County Cause Nos. 00-1-05743-8 KNT and 07-1-10361-5 KNT, the jail certifications for those causes, a sentencing order with regard to credit for time served for the two causes, and an order correcting the sentence for Cause No. 00-1-05743-8 KNT.

I declare under the penalty of perjury of the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 20th day of August 2010, at Clallam Bay, Washington.


KATHY EUBANK

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

In re the Personal Restraint Petition of:

JOSE TOLEDO SOTELO,

Petitioner.

DECLARATION OF
KIMBERLY SOBOL

I, KIMBERLY SOBOL, make the following declaration:

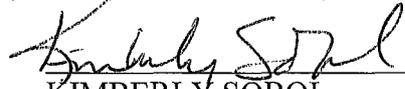
1. I am a legal secretary employed by the Corrections Division of the Attorney General's Office in Olympia, Washington. I have knowledge of the facts stated herein and am competent to testify.

2. I am familiar with the Offender Management Network Information (OMNI) used by the Department of Corrections (DOC) and am authorized by the DOC to retrieve information from the OBTS. Among other things, OMNI tracks information regarding an offender's location and custody.

3. I printed out the OMNI Legal Face Sheet and the Sentence Information Screen for Jose Toledo Sotelo, DOC #311886, to be used as exhibits.

I declare under penalty of perjury of the laws of Washington State that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 8th day of July 2010, at Olympia, WA.


KIMBERLY SOBOL

EXHIBIT

10