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COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON
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STATE OF WASHINGTON
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No. 40899-6-II
No. 41082-6-II

SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, Respondent,

v.

JAMES JOHN CHAMBERS, JR., Petitioner

PETITION FOR REVIEW

Stephen G. Johnson, WSBA # 24214
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A. IDENTITY OF THE PETITIONER

James John Chambers, Jr. (Petitioner herein) requests that this Court accept review of the Court of Appeals decision terminating review designated in Part B of this petition.

B. COURT OF APPEALS DECISION

Petitioner requests that the Court review the decision of Division II of the Court of Appeals reversing the trial court's order allowing him to withdraw his guilty plea, and review the failure of Division II of the Court of Appeals to review and rule on the trial court's refusal to correct an illegal sentence imposed upon the Petitioner. A copy of the decision (No. 40899-6 II, consolidated with No. 41082-6 II) is in the Appendix, attached hereto and incorporated herein.

C. ISSUES PRESENTED FOR REVIEW

Does the decision of the Court of Appeals conflict with decisions of this Court when the Court of Appeals finds and rules that Petitioner's guilty pleas on three separate cases entered on three separate days are a single indivisible plea agreement?

D. STATEMENT OF THE CASE

For purposes of this petition, the Petitioner incorporates herein the statement of facts as outlined in the decision of Division II of the Court of Appeals. See, Appendix A, pages 1-7. The Appendices will be

supplemented with selections of the Clerk's Papers referred to by the Court of Appeals.

E. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED

The decision of the Court of Appeals reversing the trial court's order allowing Petitioner to withdraw his guilty plea on Pierce County Superior Court Cause Number 99-1-00817-2 conflicts with prior decisions of this court; specifically, that Petitioner entered into a global, indivisible plea agreement on Pierce County Superior Court Cause Numbers 99-1-00817-2, 99-1-02235-3, and 99-1-05307-1. Further, this finding denied the Petitioner relief from an illegal sentence.

1. Plea Agreements Are Contracts, And Are Considered "Indivisible" When A Defendant Pleads Guilty To Multiple Counts Or Charges At The Same Time, In The Same Proceedings, And In The Same Document.

Plea agreements are contracts. State v. Mollochi, 132 Wn.2d 80, 90, 936 P.2d 408 (1997). See also, State v. Knight, 162 Wn.2d 806, 812, 174 P.3d 1167 (2008); State v. Turley, 149 Wn.2d 395, 400, 69 P.3d 338 (2003). Plea agreements are regarded and interpreted as contracts and both parties are bound by the terms of a valid plea agreement. In Re Personal Restraint of Breedlove, 138 Wn.2d 298, 309, 979 P.2d 417 (1999). Just as in contracts, there is an implied duty of good faith and fair dealing in plea agreements. Due process requires a prosecutor to adhere to

the terms of the agreement. State v. Sledge, 133 Wn.2d 828, 839 (1997). See also, State v. Harrison, 148 Wn.2d 550, 61 P.3d 1104 (2003). Once entry of a guilty plea confirms the establishment of the plea agreement, the State is obligated to fully comply with the terms of the agreement. State v. Hall, 104 Wn.2d 486, 490, 706 P.2d 1074 (1985).

“Because a plea agreement is a contract, interpretation of the plea’s terms is a question of law, reviewed de novo.” In Re Hudgens, 156 Wn.App. 411, 416, 233 P.3d 566 (2010), *citing* State v. Bisson, 156 Wn.2d 507, 517, 130 P.3d 820 (2006).

“A plea agreement is indivisible, and its terms must be enforced as a whole where ‘a defendant pleads guilty to multiple counts or charges at the same time, in the same proceedings, and in the same document.’” Knight, 162 Wn.2d at 812-813, *quoting* Turley, 149 Wn.2d at 402.

2. Factually, The Court Of Appeals Erred When It Ruled That Petitioner’s Pleas On Multiple Charges At Separate Times, Separate Proceedings, And In Separate Documents Are Indivisible.

On July 7, 1999, Respondent gave up his constitutional rights to remain silent, to confront his accusers, to present witnesses on his behalf, to have a jury hear his case, the right to appeal, *et al.*, in exchange for his

guilty plea and an open sentencing recommendation¹ on Pierce County Superior Court cause number 99-1-00817-2. See, Appendix C.

On March 17, 2000, Respondent gave up his constitutional rights to remain silent, to confront his accusers, to present witnesses on his behalf, to have a jury hear his case, the right to appeal, *et al.*, in exchange for his guilty plea and a sentencing recommendation on Pierce County Superior Court cause number 99-1-05307-1 as follows:

(f) The prosecuting attorney will make the following recommendation to the judge

The state will recommend ~~the~~ 240 months incarceration, time to be served consecutive to ^{the sentences arising from} 99-1-00817-2 and 99-1-02235-3 cause numbers. The state will further agree to not amend charges to include Murder 2°, nor will they seek sentences for firearm enhancements. Ct I 60 mo, Ct II & Ct III 57 mo Ct IV 116 mo Ct V 240 mo concurrent with each other consecutive to 99-1-00817-2 & 99-1-02235-3

12 mo community placement on Ct V license suspension as required by law on Ct I, \$3000 fine on Ct II ~~DNA~~ \$110, \$500 cvpa restitution on all counts

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY - 3

“The state will recommend 240 months incarceration, time to be served consecutive to the sentences arising from 99-1-00817-2 and 99-1-02235-3 cause numbers. The state will further agree to not amend charges to include Murder 2°, nor will they seek sentences for firearm enhancements. Ct I 60 mo, ct II & ct III 57 mo ct IV 116 mo ct V 240 mo concurrent with each other consecutive to 99-1-00817-2 & 99-1-02235-3 12 mo community placement on ct V license suspension as required by law on ct I, \$3000 fine on ct I, \$3000 fine on ct V \$110, \$500 cvpa restitution on all counts.”

¹ Paragraph 6(g) of the Statement of Defendant On Plea Of Guilty under Pierce County Superior Court Cause number 99-1-00817-2 contains two (2) handwritten entries, each in a distinctly different hand. The first entry states “s/o sentencing.” The second states “State’s rec is open [sic].”

See, Appendix E. Respondent's March 17, 2000, plea on Pierce County Superior Court cause number 99-1-05307-1 involved a plea to crimes that occurred on or about November 14, 1999, nearly four (4) months following his plea on cause number 99-1-00817-2. See, Appendices C and E. Additionally, the plea to cause number 99-1-05307-1 occurred eight (8) months following his plea on cause number 99-1-00817-2. Id. The terms of the plea agreement as reflected in Appendix E are not in dispute between the parties.

Factually, the pleas were eight months apart, in separate proceedings and in different documents. According to Knight and Turley, cause numbers 99-1-00817-2 and 99-1-05307-1 are clearly not "indivisible"—they are separate and distinct from one another. The agreement that 99-1-05307-1 would run consecutive to 99-1-00817-2 is a term of the plea agreement in 05307-1, not 00817-2, and does not convert these into one, single, indivisible plea agreement. The trial court did not err when it allowed Respondent to withdraw his plea to 99-1-00817-2 independent of 99-1-05307-1, and the Court of Appeals erred when it reversed the trial court.

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3. The Court Of Appeal's Erroneous Finding Of An Indivisible Plea Agreement Denied Petitioner Review Of An Illegal Sentence.

The sentencing court's application of RCW 69.50.408 to "double the standard range" of the Defendant's sentence for unlawful manufacture of a controlled substance (methamphetamine) on Pierce County Superior Court Cause Number 99-1-05307-1 is illegal and is erroneous. The doubling provision of RCW 69.50.408 allows the doubling of the jurisdictional maximum punishment that could be imposed, but does not affect the standard range that must be imposed upon the Defendant under the Sentencing Reform Act of 1981 (as amended). See, In Re Cruz, 157 Wn.2d 83, 87-90, 134 P.3d 1166 (2006); State v. Clark, 123 Wn.App. 515, 520-521, 94 P.3d 335 (Div. II, 2004). The imposition of a 240 month sentence on Count V is the imposition of an exceptional sentence under the Sentencing Reform Act (RCW 9.94A.010 et seq.) without substantial and compelling reasons. Division II of the Court of Appeals stated this in State v. Clark:

We conclude that RCW 69.50.408 doubles the maximum penalty, but not the standard range.

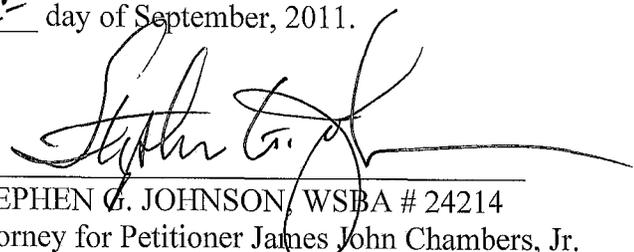
Clark, 123 Wn.App. at 521. *Accord*, In Re Cruz, *infra*. See, Appendices B and F.

Since the Court of Appeals failed to rule on Petitioner's appeal of his illegal sentence, the Court should accept review of this issue as well.

F. CONCLUSION

For the foregoing reasons, the Petitioner James John Chambers, Jr. respectfully requests that the Court grant discretionary review, reverse the decision of Division II of the Court of Appeals, and remand to the trial court with instructions to vacate the illegal sentence and resentence accordingly.

DATED THIS 2nd day of September, 2011.



STEPHEN G. JOHNSON, WSBA # 24214
Attorney for Petitioner James John Chambers, Jr.

CERTIFICATE OF MAILING

I certify under penalty of perjury under the laws of the State of Washington that on this day I caused the under named person(s) with a true, correct and complete copy of this document:

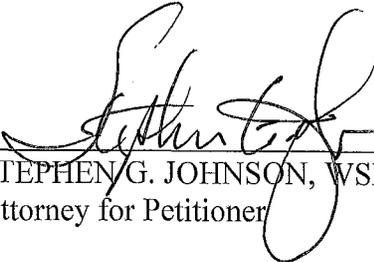
Mr. Stephen Trinen
Pierce County Prosecutor's Office
930 Tacoma Avenue South, Room 946
Tacoma, WA 98402

via First Class Mail

Mr. James John Chambers, Jr.
Inmate No. 743702
Cedar Creek Corrections Center
P.O. Box 37, Unit OA-14-C
Little Rock, WA 98556

via First Class Mail

DATED THIS 2nd day of September, 2011, in Tacoma, Pierce County, Washington State.


STEPHEN G. JOHNSON, WSBA # 24214
Attorney for Petitioner

APPENDIX

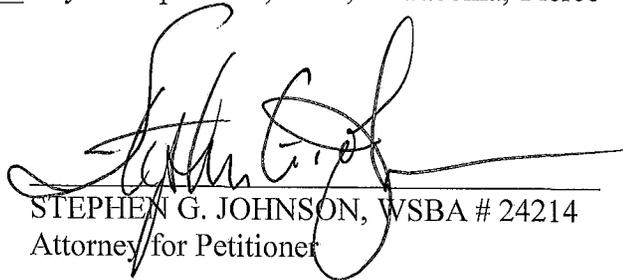
STEPHEN G. JOHNSON, duly sworn upon oath, deposes and declares:

- (1.) I am the attorney of record for James John Chambers, Jr., am over the age of eighteen (18) years, have personal knowledge of the matters contained herein, and am competent to testify thereto;
- (2.) Attached hereto as APPENDIX A is a true and correct copy of the decision of Division II of the Court of Appeals, from which Petitioner seeks further review;
- (3.) Attached hereto as APPENDIX B is a true and correct copy of the letter from DPA Allen Rose to then Petitioner's attorney Mr. Lance Hester regarding resolution to Pierce County Superior Court Cause No. 99-1-05307-1;
- (4.) Attached hereto as APPENDIX C is a true and correct copy of the Petitioner's "Statement of Defendant on Plea of Guilty" in Pierce County Superior Court Cause No. 99-1-00817-2;
- (5.) Attached hereto as APPENDIX D is a true and correct copy of the Petitioner's "Judgment and Sentence" in Pierce County Superior Court Cause No. 99-1-00817-2;

- (6.) Attached hereto as APPENDIX E is a true and correct copy of the Petitioner's "Statement of Defendant on Plea of Guilty" in Pierce County Superior Court Cause No.99-1-05307-1;
- (7.) Attached hereto as APPENDIX F is a true and correct copy of the Petitioner's "Judgment and Sentence" in Pierce County Superior Court Cause No. 99-1-05307-1;
- (8.) All of the attached appendices are part of the record of the consolidated case numbers COA 40899-6-II and 41082-6-II, and are appended hereto to assist in the review of the Petitioner's petition for review.

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

DATED THIS 2ND day of September, 2011, in Tacoma, Pierce County, Washington State.


STEPHEN G. JOHNSON, WSBA # 24214
Attorney for Petitioner

APPENDIX A

FILED
COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON

BY _____
CLERK

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Appellant,

v.

JAMES JOHN CHAMBERS, JR.,

Respondent.

STATE OF WASHINGTON,

Respondent,

v.

JAMES JOHN CHAMBERS, JR.,

Appellant.

No. 40899-6-II

CONSOLIDATED WITH

41082-6-II

PUBLISHED OPINION

WORSWICK, J. — The State appeals an order allowing James Chambers to withdraw a guilty plea for some, but not all, of his convictions. The trial court ruled that because Chambers's guilty pleas were not part of an indivisible agreement, he could withdraw his pleas for four of the nine counts. James Chambers appeals from the trial court's denial of his CrR 7.8 motion to vacate his judgment and sentence stemming from one of the remaining plea agreements, arguing that the judgment and sentence imposed an illegal sentence outside of the

standard range in violation of its terms.¹ Holding that Chambers's pleas were part of one indivisible plea agreement, we reverse and remand for further proceedings.

FACTS

In two cases pertinent to this appeal, the State charged Chambers with nine crimes. The first information listing four crimes was filed on February 24, 1999; the second information listing an additional five crimes was filed on November 22, 1999. Chambers pleaded guilty to the charges in the first information on July 7, 1999, and was sentenced on March 17, 2000. He pleaded guilty to the charges in the second information on March 17, 2000, and was sentenced on those crimes on May 5, 2000.

With regard to the first four crimes, the State charged Chambers with one count of unlawful possession of a controlled substance, one count of unlawful manufacturing of a controlled substance, both with firearm enhancements, and two counts of first degree unlawful possession of a firearm. These charges were all filed under cause number 99-1-00817-2.² Chambers pleaded guilty to these February crimes on July 7.³ The statement of defendant on

¹ Originally these cases were to be considered separately, but upon further consideration we find that consolidation would save time and expense and provide for a fair review of these cases. Thus, we exercise our discretion under RAP 3.3(b) to consolidate them.

² For purposes of clarity, we refer to these crimes as the "February crimes" henceforth.

³ Around this time, Chambers also pleaded guilty to other criminal charges under cause number 99-1-02235-3, from which he never appealed. The trial court sentenced Chambers on these convictions at the same time as it sentenced him on convictions under cause number 99-1-00817-2.

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Consolidated with 41082-6-II

plea of guilty did not include the State's sentencing recommendation. Rather, it stated that the State's recommendation was "open." Clerk's Papers (CP) (Nov. 9, 2010) at 155. The trial court scheduled sentencing for a later date and released Chambers.

While released, Chambers committed additional crimes in November 1999, including striking and killing a pedestrian with a stolen car that he was driving. On November 22, the State charged him with one count of failure to remain at an injury accident, two counts of first degree possession of stolen property, one count of unlawful possession of a firearm, and one count of unlawful manufacturing of a controlled substance, methamphetamine.⁴ These newest charges were filed under cause number 99-1-05307-1.⁵

The State extended a plea agreement offer that encompassed recommendations for both the February crimes and the November crimes, and on February 9, 2000, a Pierce County deputy prosecutor sent Chambers's attorney a letter "in order to memorialize" the offer. CP (Aug. 10, 2010) at 44. The letter stated in relevant part:

Re: State of Washington vs. James John Chambers, Jr.
Pierce County Superior Court Cause No. 99-1-05307-1

...
I am writing you this letter in order to memorialize my offer to your client in the above entitled case. With this letter I am enclosing copies of the first several pages of the pleas of guilty on cause numbers 99-1-02235-3 and 99-1-00817-2. *My offer to your client consists of two parts.* First as to the 02235-3 and 00817-2 matters, your client must agree that the sentences in those matters run

⁴ For purposes of clarity, we refer to these crimes as the "November crimes" henceforth.

⁵ A third case, cause number 99-1-02235-3, also was included in the State's overall sentencing proposal, but no appeal stems therefrom.

consecutive to the 05307-1 matter. . . . All of those counts would run concurrent to one another but consecutive to the matters involving the hit and run injury accident (99-1-05307-1). Your client would be free to ask for the 149 months, which is the low end of the standard range on count 1.

The second part of the offer is that the defendant has to plead guilty to all presently charged counts on 99-1-05307-1. His score for purposes of the SRA would be ten (10) for the non-manufacturing/intent to deliver crimes (PSP1 x 2, Hit and Run felony, Unlawful Poss F/A 1). For the manufacturing of methamphetamine charge, your client would be a sixteen (16). As you are aware, RCW 69.50.408 sets forth the statutory maximum for a crime involving manufacture or possession with intent to deliver. This statutory maximum is ten (10) years. As you are also aware, RCW 69.50.408 allows for the doubling of any standard range for a subsequent conviction for manufacturing or possession with intent to deliver. At the time of your client's manufacturing offense as charged in 99-1-05307-1, your client had two prior manufacturing convictions and one prior possession with intent to deliver conviction. RCW 9.94A.030(10) defines conviction to include a plea of guilty so the 02235-3 and 00817-2 matters count as priors for the 99-1-05307-1 matter.

Your client would have to agree to 240 months on the manufacturing on the 99-1-05307-1 matter. . . . This would run consecutive to the 02235-3 and 00817-2 matters.

If your client rejects this offer the state will amend to include the charges of felony murder and the state will add gun [sic] enhancement on the manufacturing charge. I have given your client until March 17th, 2000 to accept this offer, however, unless I receive by February 17, 2000, a written waiver regarding late arraignment, I will proceed with the arraignment. Once I arraign your client on the felony murder there is no going back.

CP (Aug. 10, 2010) at 44-45 (emphasis added).

On March 17, 2000, Chambers pleaded guilty to the November crimes. Also on March 17, the trial court entered its judgment and sentence on the four counts on the February crimes.⁶ Then at a May 5 sentencing hearing for the November crimes, the trial court and the State engaged in the following relevant exchange:

⁶ The State's recommendation comported with the terms of its February 9, 2000 plea offer letter.

[STATE]: Your Honor, the State's recommendation on Count I is 60 months to run concurrent with the other counts; Count II is 57 months; Count III is 57 months; Count IV is 116 months; Count V is 240 months. All of these counts are to be served concurrently, however, consecutive to 99-1-00817-2 and 99-1-02235-3. He was sentenced in those matters on the 17th of March, and those matters are running concurrent to one another but consecutive to the matter we're here on today. . . . Count V also requires a \$3,000 fine because he's been convicted of manufacturing several times in the past, and that is what makes Count V also the 240 months.

THE COURT: . . . [I]t's my understanding that that's the highest standard range sentence available for each count.

[STATE]: That's correct, Your Honor, because the law says it's double the standard range for Count V, which is 240 months. All the other ones essentially make no difference, so—

THE COURT: . . . Mr. Chambers' life was just totally out of control when this happened, completely, in every way. And because of that, there's really no sentence that's fair other than the high end of the range on each of the counts, as is being suggested. I'm going to impose the agreed-on sentence and the other financial conditions and otherwise that the State's requesting.

(Verbatim Report of Proceedings) at 4-6, 17-18; CP (Ex. 2). Then the trial court sentenced Chambers for the November crimes and imposed its sentence as proposed by the State.

Chambers then filed several appeals and personal restraint petitions surrounding his sentence, claiming that the sentences for counts III and IV of the February crimes were unlawful. The matter ultimately went to our Supreme Court, which remanded for further proceedings to consider Chamber's motion to withdraw his guilty plea. *In re Pers. Restraint of Chambers*, ___ Wn.2nd ___, 217 P.3d 1159 (2009).

Following remand by our Supreme Court, Chambers filed a motion to vacate the judgment, a motion to withdraw his guilty plea, and a motion for specific performance as to the

four February crimes. The State argued that even though there were three separate cause numbers, the sentencing for each stemmed from only one indivisible plea agreement and that Chambers must withdraw his pleas on the February and November crimes, not just the February crimes. On May 28, 2010, the trial court disagreed with the State and found the plea agreements to be separate and entered an order granting Chambers's motion to withdraw his pleas on counts I to IV of the February crimes only.

Because the State had destroyed the evidence to support the February crimes, the trial court dismissed the case on the State's motion. Then on July 2, 2010, Chambers moved for relief from the judgment and sentence under CrR 7.8,⁷ arguing error in the sentencing range for his sentence as to the November crimes. The trial court denied Chambers's motion. The State

⁷ CrR 7.8(b) provides:

Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; etc. On motion and upon such terms as are just, the court may relieve a party from a final judgment, order, or proceeding for the following reasons:

- (1) Mistakes, inadvertence, surprise, excusable neglect or irregularity in obtaining a judgment or order;
- (2) Newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under rule 7.5;
- (3) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;
- (4) The judgment is void; or
- (5) Any other reason justifying relief from the operation of the judgment.

The motion shall be made within a reasonable time and for reasons (1) and (2) not more than 1 year after the judgment, order, or proceeding was entered or taken, and is further subject to RCW 10.73.090, .100, .130, and .140. A motion under section (b) does not affect the finality of the judgment or suspend its operation.

appeals from the trial court's order granting Chambers's motion to withdraw his guilty plea and Chambers appeals from the trial court's denial of his motion for relief from judgment.

ANALYSIS

The State contends that the trial court erred when it failed to find that the pleas and sentences on all three cause numbers were part of a single agreement.⁸ Chambers counters that because he entered into plea agreements at separate times on separate days, the trial court properly treated the agreements as divisible. We agree with the State.⁹

A plea agreement is essentially a contract made between a defendant and the State.” *State v. Turley*, 149 Wn.2d 395, 400, 69 P.3d 338 (2003). As a result, issues regarding the interpretation of a plea agreement are questions of law we review de novo. *State v. Bisson*, 156 Wn.2d 507, 517, 130 P.3d 820 (2006). “Under normal contract principles, whether a contract is considered separable or indivisible is dependent upon the intent of the parties.” *Turley*, 149

⁸ The State also argues as a threshold matter that an evidentiary hearing and factual findings as to the scope of the plea agreement were necessary as a preliminary step to the determination of any remedies to which the defendant was entitled. But here, the record is sufficient for us to conclude that the agreement was meant to be indivisible without inquiry into the substance of the plea negotiations. Thus, an evidentiary hearing was not necessary here. *See Turley*, 149 Wn.2d 395, 400, 69 P.3d 338 (2003).

⁹ Because we reverse and remand on this issue, we do not reach Chambers's appeal that the trial court erred by denying him relief from an illegal and unlawful sentence, an issue which is now moot in light of our holding that the guilty pleas were part of a single agreement. We also decline to reach the State's additional argument that the trial court erred when it allowed Chambers to withdraw his guilty plea because the trial court did not properly consider whether the State demonstrated compelling reasons to deny Chambers's plea agreement, noting that our Supreme Court in *State v. Barber*, 170 Wn.2d 854, 248 P.3d 494 (2011), recently held that a defendant may not seek specific performance of an illegal sentence.

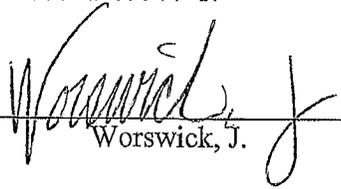
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Consolidated with 41082-6-II

Wn.2d at 400. When we determine intent, we do not consider unexpressed subjective intent, only objective manifestations of intent. *Turley*, 149 Wn.2d at 400. “Absent objective indications to the contrary in the agreement itself, we will not look behind the agreement to attempt to determine divisibility.” *Turley*, 149 Wn.2d at 400.

If the plea agreement is “indivisible,” Chambers would then be required to withdraw his entire guilty plea on all of the cause numbers assuming he still seeks to withdraw it. This would then free the State to amend the charges against Chambers, as described in the letter dated February 9, 2000. There are several facts that lead us to hold, contrary to the trial court, that the plea agreement here was “indivisible.” The letter from the deputy prosecutor to Chambers’s counsel details the interconnectedness of the agreement. All of the cause numbers and the sentences for each are mentioned. Additionally, the agreed sentencing range for the November crimes is discussed in the context and with clear consideration of the sentencing ranges on the other cause numbers. And most notably, the letter explicitly states that Chambers’s failure to accept the terms would result in filing of charges of felony murder. The parties then represented to the trial court at sentencing that it had agreed to these terms. It is clear that the parties intended to enter into one “indivisible” plea agreement. The State’s argument prevails.

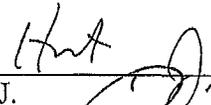
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We reverse the trial court's order allowing Chambers to withdraw only counts I to IV and remand for further proceedings, in which Chambers may seek to withdraw his indivisible guilty plea on all nine counts under cause numbers 99-1-00817-2 and 99-1-05307-1.

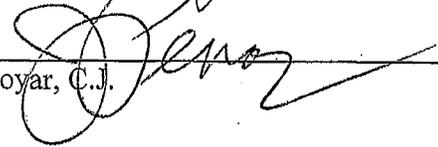


Worswick, J.

We concur:



Hunt, J.



Penoyar, C.J.

APPENDIX B



Pierce County

Office of Prosecuting Attorney

7025 1/4/2018 88016

JOHN W. LADENBURG

Prosecuting Attorney

REPLY TO:
CRIMINAL FELONY DIVISION
930 Tacoma Avenue South, Room 946
Tacoma, Washington 98402-2171
Criminal Felony Records: 798-6513
Victim-Witness Assistance: 798-7400
FAX: (253) 798-6636

Main Office: (253) 798-7400
1-800-992-2456
(Valid only within Washington State)

February 9, 2000

Lance Hester
Law Offices of Monte E. Hester
1008 South Yakima Avenue, Suite 302
Tacoma, WA. 98405

Re: State of Washington vs. James John Chambers, Jr.
Pierce County Superior Court Cause No. 99-1-05307-1.

Dear Mr. Hester:

I am writing you this letter in order to memorialize my offer to your client in the above entitled case. With this letter I am enclosing copies of the first several pages of the pleas of guilty on cause numbers 99-1-02235-3 and 99-1-00817-2. My offer to your client consists of two parts. First as to the 02235-3 and 00817-2 matters, your client must agree that the sentences in those matters run consecutive to the 05307-1 matter. My understanding of your clients's range on the 02235-3 and 00817-2 matters is 149 to 198. This standard range applies only to count 1 on the cause number 99-1-00817-2. I am not going to outline all the other applicable ranges because they involve periods of time less than the 149 to 198. All of those counts would run concurrent to one another but consecutive to the matters involving the hit and run injury accident (99-1-05307-1). Your client would be free to ask for the 149 months, which is the low end of the standard range on count 1.

The second part of the offer is that the defendant has to plead guilty to all presently charged counts on 99-1-05307-1. His score for purposes of the SRA would be ten (10) for the non-manufacturing/intent to deliver crimes (PSP1 x 2, Hit and Run felony, Unlawful Poss F/A 1). For the manufacturing of methamphetamine charge, your client would be a sixteen (16). As



you are aware, RCW 69.50.408 sets forth the statutory maximum for a crime involving manufacture or possession with intent to deliver. This statutory maximum is ten (10) years. As you are also aware, RCW 69.50.408 allows for the doubling of any standard range for a subsequent conviction for manufacturing or possession with intent to deliver. At the time of your client's manufacturing offense as charged in 99-1-05307-1, your client had two prior manufacturing convictions and one prior possession with intent to deliver conviction. RCW 9.94A.030(10) defines conviction to include a plea of guilty so the 02235-3 and 00817-2 matters count as priors for the 99-1-05307-1 matter.

Your client would have to agree to 240 months on the manufacturing on the 99-1-05307-1 matter. The other counts on this matter involve lesser amounts of time. Of course there would be the standard legal financial obligations, restitution, 12 months of community placement and all the usual conditions. This would run consecutive to the 02235-3 and 00817-2 matters.

If your client rejects this offer the state will amend to include the charges of felony murder and the state will add gun enhancement on the manufacturing charge. I have given your client until March 17th, 2000 to accept this offer, however, unless I receive by February 17, 2000, a written waiver regarding late arraignment, I will proceed with the arraignment. Once I arraign your client on the felony murder there is no going back.

Very truly yours,



Allen P. Rose
Deputy Prosecuting Attorney

Encl: plea forms
APR:apr

APPENDIX C

CERTIFIED COPY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiff,

vs.

James Chambers

Defendant.

CAUSE NO. 99-1-00817-2

STATEMENT OF DEFENDANT ON PLEA OF GUILTY

FILED
CRIMINAL DIV. 2
IN OPEN COURT

JUL 8 8 1999

JUL - 7 1999

TED RUTT, Clerk

By

DEP

1. My true name is: James Chambers

2. My age is: 27

3. I went through the 9th grade.

4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is Steve GALT 1894.

(b) I am charged with the crime(s) of:

Count I: Unlawful Possession Controlled Substance with
Elements: By Pierce Cty. intent to deliver with
possess A controlled substance with deadly
intent to deliver to another; it with
and in course thereof have possession of deadly
weapon - 90"

This crime carries a maximum sentence of 10 years imprisonment and a \$ 20,000 fine. The standard range is from 108 months to 144 months based upon the attached stipulation as to my criminal history.

Offense Designations: Most Serious Offense[] Serious Violent[]
Violent[] Non-Violent[] Sex[] Drug[X]
Traffic[] (check all that apply)

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY - 1

Count II: Unlawful Manufacturing of Controlled substance

Elements: in Pierce Co, manufacture ^{with dead} A weapon
controlled substance, i.e. meth
and in course thereof have possession
of deadly weapon, i.e. ~~gun~~ rifle

This crime carries a maximum sentence of 60 years imprisonment and a \$ 20,000 fine. The standard range is from 149 months to 198 months based upon the attached stipulation as to my criminal history.

Offense Designations: Most Serious Offense[] Serious Violent[]
Violent[] Non-Violent[] Sex[] Drug[X]
Traffic[] (check all that apply)

(c) 2 Additional counts are addressed in Appendix AE & AII

5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a determination of guilt after a trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

- (a) (i) This offense is a most serious offense as defined by RCW 9.94A.030(23), and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY - 2

Count ~~II~~ ^{III} Unlabeled Possession of Firearm 1^o

Elements: In Pierce Cty, possess a firearm
After having been convicted of felony
(Class A or B):

This crime carries a maximum sentence of 10 years imprisonment and a \$ 20,000 fine. The standard range is from 41 months to 54 months based upon the attached stipulation as to my criminal history.

Offense Designations: Most Serious Offense[] Serious Violent[]
Violent[] Non-Violent[] Sex[] Drug[]
Traffic[] (check all that apply)

(c) _____ Additional counts are addressed in Appendix _____.

5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a determination of guilt after a trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

- (a) (i) This offense is a most serious offense as defined by RCW 9.94A.030(23), and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY - FAI

Count ^{IV} ~~IV~~: Unlawful Possession of Firearm 1st

Elements: In Pierce Co., possess a firearm
After having been convicted of Felony
(Class A or B)

This crime carries a maximum sentence of 10 years imprisonment and a
\$ 20,000 fine. The standard range is from 41 months to 54
months based upon the attached stipulation as to my criminal history.

Offense Designations: Most Serious Offense[] Serious Violent[]
Violent[] Non-Violent[] Sex[] Drug[]
Traffic[] (check all that apply)

(c) Additional counts are addressed in Appendix .

5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE
FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING
GUILTY:

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a determination of guilt after a trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

- (a) (i) This offense is a most serious offense as defined by RCW 9.94A.030(23), and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY - 2 A II

19 1991 1995

(ii) In addition, pursuant to RCW 9.94A.030(b)(i), ~~if this offense is (1) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (2) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation, or (3) any attempt to commit any of the crimes listed in this sentence, and I have at least one prior conviction for one of these listed crimes in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]~~

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere.

(i) For crimes committed prior to July 1, 1997, criminal history always includes juvenile convictions for sex offenses and serious violent offenses. Criminal history also includes convictions in juvenile court for other felonies or serious traffic offenses that were committed when I was 15 years of age or older. Juvenile convictions, except those for class A felonies, serious violent offenses or sex offenses, count only if I was less than 23 years old when I committed the crime to which I am now pleading guilty.

(ii) For crimes committed after July 1, 1997, criminal history always includes all juvenile adjudications or convictions.

(c) The stipulation as to my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

(d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY - 3

the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.

- (e) In addition to sentencing me to confinement, the judge will order me to pay \$ 500 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The judge may also order that I pay a fine, court costs, and attorney's fees.
- (f) If the total period of confinement ordered is 12 months or less, the court may impose, in addition to confinement, up to one year of community supervision. If the court imposes a sentence under a first time offender waiver, the court may impose, in addition to confinement, up to two years of community supervision. If the total period of confinement ordered is over one year, the court must impose a term of community placement or community custody, in addition to confinement, for certain offenses. Community placement for one year is a mandatory sentence condition for offenders sentenced to prison for the following offenses committed on or after July 1, 1988:

- any sex offense or serious violent offense committed before July 1, 1990;
- second degree assault;
- any crime against a person with a deadly weapon finding under RCW 9.94A.125; or
- any felony offense under RCW Chapter 69.50 or 69.52.

Community placement for two years is a mandatory sentence condition for offenders sentenced to prison for the following offenses:

- any sex offense committed after June 30, 1990 and before June 6, 1996;
- any serious violent offense committed after June 30, 1990; or
- any vehicular homicide or vehicular assault committed on or after June 6, 1996.

Community custody for three years is a mandatory sentence condition for offenders sentenced to prison for the following offenses:

- any sex offense committed on or after June 6, 1996.

During the period of community placement, community custody, or community supervision, I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities and may be ordered to

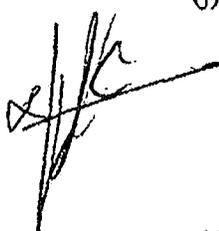
perform community service. My failure to comply with these conditions will render me ineligible for general assistance.

(g) The prosecuting attorney will make the following recommendation to the judge:

s/o sentencing
State's rec is open

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either I or the State can appeal the sentence. If the sentence is within the standard range, no one can appeal the sentence.

(i) The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6(a)(i). [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

 (j) I understand that the offense(s) I am pleading guilty to include(s) a deadly weapon or firearm enhancement(s). ~~Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]~~

(k) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ shall be served consecutively to each other. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(l) The judge may sentence me as a first time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030(22). This sentence could include as much as 90 days of confinement plus all the conditions described in paragraph (f). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed

course of study or occupational training. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

- (m) The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.120(8). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater, I will be ordered to serve up to 180 days of total confinement, I will be ordered to participate in sex offender treatment, and I will be subject to all of the conditions described in paragraph (f). Additionally, the judge could require me to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]
- (n) The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.120(6). This sentence could include a period of total confinement in a state facility for one-half of the midpoint of the standard range plus all of the conditions described in paragraph (f). During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose one year of community custody that must include appropriate outpatient treatment, a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. Additionally, the judge could require me to devote time to specific employment or training, to stay out of certain areas, and to pay thirty dollars per month to offset the cost of monitoring. If a violation of the sentence occurs during community custody, the judge may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]
- (o) If I have a driver's license and am convicted of any offense requiring mandatory license suspension or revocation, pursuant to RCW 46.20.270 and/or RCW 46.20.285, I must now surrender it to the judge. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]
- (p) This plea of guilty will result in the suspension of public assistance, pursuant to RCW 74.08.290. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]
- (q) This crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles; I will be required to undergo testing for the human

immunodeficiency (AIDS) virus. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(r) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(s) This crime involves a sex offense or a violent offense; I will be required to provide a sample of my blood for purposes of DNA identification analysis. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(t) Because this crime involves a sex offense, pursuant to RCW 9A.44.130(8)(a), or a kidnapping offense, pursuant to RCW 9A.44.130(8)(b), I will be required to register with the sheriff of the county of the state of Washington where I reside. If I am not a resident of Washington, but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed, or carry on a vocation.

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

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

days of moving. If I move out of Washington state, within 10 days of moving to the new state or foreign country, I must send written notice to the county sheriff with whom I last registered in Washington state.

If I am a resident of Washington and I am admitted to a public or a private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution. [If not applicable, this section should be stricken and initialed by the defendant and the judge.]

- (u) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. (PURSUANT TO RCW 9.41.047(1), THE JUDGE SHALL READ THIS SECTION TO THE DEFENDANT IN OPEN COURT IF THE DEFENDANT IS PLEADING GUILTY TO A "SERIOUS OFFENSE" AS DEFINED UNDER RCW 9.41.010(12), A CRIME OF DOMESTIC VIOLENCE, OR A CRIME OF "HARASSMENT" AS DEFINED UNDER RCW 9A.46.060. THE CLERK SHALL FORWARD A COPY OF THE DEFENDANT'S DRIVER'S LICENSE IDENTICARD OR COMPARABLE IDENTIFICATION TO THE DEPARTMENT OF LICENSING ALONG WITH THE DATE OF CONVICTION.)
- (v) This crime involves the manufacture, delivery, or possession with the intent to deliver Methamphetamine or Amphetamine; a mandatory methamphetamine clean-up fine of \$3,000.00 will be assessed. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]
- (w) Because this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as define in RCW 46.61.5055(8)(b). [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]
- (x) I understand that the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The sentences imposed for these crimes shall be served consecutively to each other. For crimes committed after June 10, 1998, a consecutive sentence will also be imposed for each firearm unlawfully possessed. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY - 8

(y) This offense is a violation of Chapter 69.50 RCW other than RCW 69.50.401(d); if I have a prior conviction under this Chapter or under any statute of the United States or of any State relating to narcotic drugs, marihuana, depressant, stimulant, or hallucinogenic drugs, then I may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(z) An additional 24 months shall be added to the presumptive sentence for any ranked offense involving a violation of Chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

7. I plead guilty to the crime(s) of UPCSWID¹, ~~UM25~~¹, UPOF1⁰ as charged in the ~~Amended~~ ORIGINAL information. I have received a copy of that information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

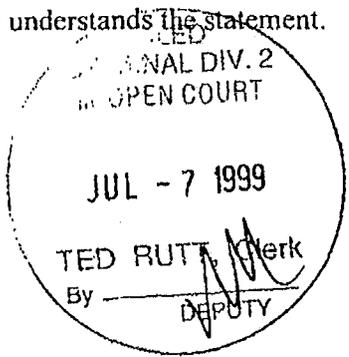
11. The judge has asked me to state briefly in my own words what I did that makes me guilty of this crime. This is my statement: I am entering plea of guilty in order to take advantage of State's recommendation. I understand there exists sufficient evidence to convict me had I gone to trial.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

[Signature]
Defendant

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY - 9

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.



Approved for entry:

[Signature]
Defendant's Lawyer
WSBA # 68261

[Signature]
Prosecuting Attorney
WSBA # 23139

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check the appropriate box]:

- (a) The defendant had previously read the entire statement above and the defendant understood it in full; or
- (b) the defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- * (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

I find the defendant's plea of guilty to be knowingly, intelligently, and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated this 7th day of July, 1999

[Signature]
Judge THOMAS J. FELNAGLE

*INTERPRETER'S DECLARATION

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated this entire document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated this _____ day of _____, _____

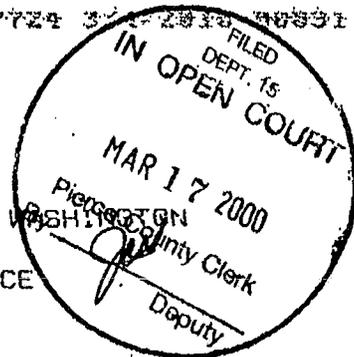
Interpreter

STATE OF WASHINGTON, County of Pierce
ss: I, Kevin Stock, Clerk of the above entitled Court, do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office. IN WITNESS WHEREOF, I hereunto set my hand and the seal of said Court this 25th day of February, 2010
By [Signature]

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY - 10

APPENDIX D

CERTIFIED COPY



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

STATE OF WASHINGTON,
Plaintiff,
vs.

CAUSE NO. 99-1-00817-2
JUDGMENT AND SENTENCE
(FELONY/OVER ONE YEAR)

JAMES JOHN CHAMBERS,
Defendant.

MAR 17 2000

DOB: 04-23-72
SID NO.: WA16025063
LOCAL ID:

I. HEARING

1.1 A sentencing hearing in this case was held on 3-17-2000
1.2 The defendant, the defendant's lawyer, Lance Hester, ~~STEPHEN J. GANT~~, and the
Al Rose for deputy prosecuting attorney, THOMAS C. ROBERTS, 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 7-7-99 by
[X] plea [] jury-verdict [] bench trial of:

Count No.: I
Crime: UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE WITH INTEN
TO DELIVER, Charge Code: (J3M)METHAMPHETAMINE SCHEDULE I
RCW: 9.41.010, 9.94A.310, 9.94A.370 and 69.50.401(a)(1)(ii)
Date of Crime: 02-23-99
Incident No.: 990470560 TPD

JUDGMENT AND SENTENCE
FELONY / OVER ONE YEAR - 1

ENTERED
JUDGEMEN

00-9-03294-4

Office of Prosecuting Attorney
946 County-City Building
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

99-1-00817-2

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Count No.: II
Crime: UNLAWFUL MANUFACTURING OF A CONTROLLED SUBSTANCE, Charge Code: (J8M)METHAMPHETAMINE SCHEDULE II
RCW: 9.41.010, 9.94A.310, 9.94A.370 and 69.50.401(a)(1)(ii)
Date of Crime: 02-23-99
Incident No.: 990470560 TPD

Count No.: III
Crime: UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE, Charge Code: (G6666)
RCW: 9.41.040(1)(a)
Date of Crime: 02-23-99
Incident No.: 990470560 TPD

Count No.: IV
Crime: UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE, Charge Code: (G6666)
RCW: 9.41.040(1)(a)
Date of Crime: 02-23-99
Incident No.: 990470560 TPD

- Additional current offenses are attached in Appendix 2.1.
- A special verdict/finding for use of deadly weapon other than a firearm was returned on Count(s).
- A special verdict/finding for use of a firearm was returned on Counts_____.
- A special verdict/finding of sexual motivation was returned on Count(s)_____.
- A special verdict/finding of a RCW 69.50.401(a) violation in a school bus, public transit vehicle, public park, public transit shelter or within 1000 feet of a school bus route stop or the perimeter of a school grounds (RCW 69.50.435).
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.400(1)):

2.2 CRIMINAL HISTORY: Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.360):

JUDGMENT AND SENTENCE
FELONY / OVER ONE YEAR - 2

99-1-00817-1

<u>Crime</u>	<u>Sentencing Date</u>	<u>Adult or Juv. Crime</u>	<u>Date of Crime</u>	<u>Crime Type</u>
--------------	------------------------	----------------------------	----------------------	-------------------

UMCS	11-09-95	A	09-25-95	
------	----------	---	----------	--

plus additional criminal history 99-1-05 307-1

- Additional criminal history is attached in Appendix 2.2.
- Prior convictions served concurrently and counted as one offense in determining the offender score are (RCW 9.94A.360(5)(a)):

2.3 SENTENCING DATA:

	<u>Offender Score</u>	<u>Serious Level</u>	<u>Standard Range(SR)</u>	<u>Enhancement</u>	<u>Maximum Term</u>
Count I:	917	X	149-198	+36	20 YEARS
Count II:	917	VIII	108-144	+36	20 YEARS
Count III:	910	VII	36-48	87-116	10 YEARS
Count IV:	910	VII	36-48	87-116	10 YEARS

- 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
- above within below the standard range for Count(s) _____ . Findings of fact and conclusions of law are attached in Appendix 2.4. The Prosecuting Attorney did did not recommend a similar sentence.

2.5 RECOMMENDED AGREEMENTS:

- For violent offenses, serious violent offenses, most serious offenses, or any felony with a deadly weapon special verdict under RCW 9.94A.125; any felony with a deadly weapon enhancements under RCW 9.94A.310(3) or (4) or both; and/or felony crimes of possessor of a machine gun, possessing a stolen firearm, reckless endangerment in the first degree, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun, the recommended sentencing agreements or plea agreements are attached as follows:

JUDGMENT AND SENTENCE
FELONY / OVER ONE YEAR - 3

Same as sentence imposed

2.6 RESTITUTION:

- Restitution will not be ordered because the felony did not result in injury to any person or damage to or loss of property.
- Restitution should be ordered. A hearing is set for _____.
- Extraordinary circumstances exist that make restitution inappropriate. The extraordinary circumstances are set forth in Appendix 2.5.
- Restitution is ordered as set out in Section 4.1, LEGAL FINANCIAL OBLIGATIONS.

2.7 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS: The court has considered 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 specifically finds that the defendant has the ability to pay:

- no legal financial obligations.
- the following legal financial obligations:
 - crime victim's compensation fees.
 - court costs (filing fee, jury demand fee, witness costs, sheriff services fees, etc.)
 - county or inter-local drug funds.
 - court appointed attorney's fees and cost of defense.
 - fines.
 - other financial obligations assessed as a result of the felony conviction.

A notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender, if a monthly court-ordered legal financial obligation payment is not paid when due and an amount equal to or greater than the amount payable for one month is owed.

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.

IV. SENTENCE AND ORDER

JUDGMENT AND SENTENCE
FELONY / OVER ONE YEAR - 4

99-1-00817-

IT IS ORDERED:

4.1 LEGAL FINANCIAL OBLIGATIONS. Defendant shall pay to the Clerk of this Court:

- 6 \$ _____, Restitution to: _____
- 7 _____
- 8 _____
- 9 _____
- 10 \$ 110.00, Court costs (filing fee, jury demand fee, witness costs, sheriff service fees, etc.);
- 11 \$ 500.00, Victim assessment;
- 12 \$ 3000, Fine; ~~no~~ VUCSA additional fine waived due to indigency (RCW 69.50.430);
- 13 _____, Fees for court appointed attorney;
- 14 _____, Washington State Patrol Crime Lab costs;
- 15 _____, Drug enforcement fund of _____;
- 16 _____, Other costs for: _____;
- 17 _____, TOTAL legal financial obligations [] including restitution [] not including restitution.

- 19 [] Minimum payments shall be not less than \$ _____ per month. Payments shall commence on _____.
- 20 [] The Department of Corrections shall set a payment schedule.
- 21 [] Restitution ordered above shall be paid jointly and severally with:

<u>Name</u>	<u>Cause Number</u>
_____	_____
_____	_____

The defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to ten years from the date of sentence or release from confinement to assure payment of the above monetary obligations.

Any period of supervision shall be tolled during any period of time the offender is in confinement for any reason.

JUDGMENT AND SENTENCE
FELONY / OVER ONE YEAR - 5

99-1-00817-1

Defendant must contact the Department of Corrections at 755 Tacoma Avenue South, Tacoma upon release or by _____.

[Signature] Bond is hereby exonerated.

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JUDGMENT AND SENTENCE
FELONY / OVER ONE YEAR - 6

99-1-00817-

4.2 CONFINEMENT OVER ONE YEAR: The defendant is sentenced as follows:

(a) CONFINEMENT: (Standard Range) RCW 9.94A.400. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections:

<u>149</u>	months on Count No. <u>I</u>	<input checked="" type="checkbox"/>	concurrent	<input type="checkbox"/>	consecutive
<u>144</u>	months on Count No. <u>II</u>	<input checked="" type="checkbox"/>	concurrent	<input type="checkbox"/>	consecutive
<u>116</u>	months on Count No. <u>III</u>	<input checked="" type="checkbox"/>	concurrent	<input type="checkbox"/>	consecutive
<u>116</u>	months on Count No. <u>IV</u>	<input checked="" type="checkbox"/>	concurrent	<input type="checkbox"/>	consecutive

(b) CONFINEMENT (Sentence Enhancement): A special finding/verdict having been entered as indicated in Section 2.1, the defendant is sentenced to the following additional term of total confinement in the custody of the Department of Corrections:

<u>36</u>	MONTHS ON COUNT	<u>I</u>
<u>36</u>	MONTHS ON COUNT	<u>II</u>
_____	MONTHS ON COUNT	_____
_____	MONTHS ON COUNT	_____

TOTAL MONTHS CONFINEMENT ORDERED: 72

Sentence enhancements in Counts I & II shall run
 concurrent consecutive to each other.
Sentence enhancements in Counts I & II shall be served
 flat time subject to earned good time credit.

Standard range sentence shall be concurrent consecutive with the sentence imposed in Cause Nos.: 99-1-02235-3
but consecutive to 99-1-05307-1

Credit is given for 179 days served;

4.3 COMMUNITY PLACEMENT (RCW 9.94A.120). The defendant is sentenced to community placement for one year two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150(1) and (2), whichever is longer.

COMMUNITY CUSTODY (RCW 9.94A.120(1)). Because this was a sex offense that occurred after June 6, 1996, the defendant is sentenced to community custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150(1) and (2), whichever is longer.

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 Department of Corrections-approved education, employment and/or community services; 3) not consume controlled substances except pursuant to lawfully issued prescriptions; 4) not unlawfully possess controlled substances while in

JUDGMENT AND SENTENCE
FELONY / OVER ONE YEAR - 7

99-1-00817-

community custody; 5) pay supervision fees as determined by the Department of Corrections; 6) residence location and living arrangements are subject to the approval of the department of corrections during the period of community placement.

- (a) The offender shall not consume any alcohol;
- (b) The offender shall have no contact with: _____

- (c) The offender shall remain within or outside of a specified geographical boundary, to-wit: _____

- (d) The offender shall participate in the following crime related treatment or counseling services: _____

- (e) The defendant shall comply with the following crime-related prohibitions: all conditions of DOC
NO use / poss drugs UAS to monitor NO assoc with any users / etc

- (f) OTHER SPECIAL CONDITIONS AND CRIME RELATED PROHIBITIONS: _____

- (g) HIV TESTING. The Health Department or designee shall test the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. (RCW 70.24.340)

- (h) DNA TESTING. The defendant shall have a blood sample drawn for purpose of DNA identification analysis. The Department of Corrections shall be responsible for obtaining the sample prior to the defendant's release from confinement. (RCW 43.43.754)

PURSUANT TO 1993 LAWS OF WASHINGTON, CHAPTER 419, IF OFFENDER IS FOUND TO BE A CRIMINAL ALIEN ELIGIBLE FOR RELEASE AND DEPORTATION BY THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE, SUBJECT TO ARREST AND REINCARCERATION IN ACCORDANCE WITH THIS LAW, THEN THE UNDERSIGNED JUDGE AND PROSECUTOR CONSENT TO SUCH RELEASE AND DEPORTATION PRIOR TO THE EXPIRATION OF THE SENTENCE.

EACH VIOLATION OF THIS JUDGMENT AND SENTENCE IS PUNISHABLE BY UP TO 60 DAYS OF CONFINEMENT. (RCW 9.94A.200(2)).

FIREARMS: PURSUANT TO RCW 9.41.040, YOU MAY NOT OWN, USE OR POSSESS ANY FIREARM UNLESS YOUR RIGHT TO DO SO IS RESTORED BY A COURT OF RECORD.

ANY DEFENDANT CONVICTED OF A SEX OFFENSE MUST REGISTER WITH THE COUNTY SHERIFF FOR THE COUNTY OF THE DEFENDANT'S RESIDENCE WITHIN 24 HOURS OF DEFENDANT'S RELEASE FROM CUSTODY. RCW 9A.44.130.

JUDGMENT AND SENTENCE
FELONY / OVER ONE YEAR - 8

99-1-00817-

PURSUANT TO RCW 10.73.090 AND 10.73.100, THE DEFENDANT'S RIGHT TO FILE ANY KIND OF POST SENTENCE CHALLENGE TO THE CONVICTION OR THE SENTENCE MAY BE LIMITED TO ONE YEAR.

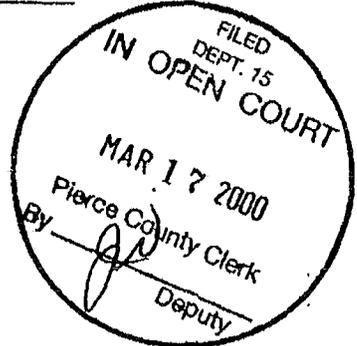
Date: 3-17-2000

[Signature]
JUDGE

Presented by:
[Signature]
THOMAS C. ROBERTS
Deputy Prosecuting Attorney
WSB # 19013

Approved as to form:
STEPHEN J. GANT
Lawyer for Defendant
WSB # _____

wjj



STATE OF WASHINGTON, County of Pierce
ss: I, Kevin Stock, Clerk of the above
entitled Court, do hereby certify that this
foregoing instrument is a true and correct
copy of the original now on file in my office.
IN WITNESS WHEREOF, I hereunto set my
hand and the Seal of said Court this
25th day of March, 2000
By [Signature] Deputy

JUDGMENT AND SENTENCE
FELONY / OVER ONE YEAR - 9

APPENDIX F

Cause No. 99-1-00817-2

The defendant having been sentenced to the Department of Corrections for a:

- sex offense
- serious violent offense
- assault in the second degree
- any crime where the defendant or an accomplice was armed with a deadly weapon
- any felony under 69.50 and 69.52 committed after July 1, 1988 is also sentenced to one (1) year term of community placement on these conditions:

The offender shall report to and be available for contact with the assigned community corrections officer as directed;

The offender shall work at Department of Corrections approved education, employment, and/or community service;

The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

An offender in community custody shall not unlawfully possess controlled substances;

The offender shall pay community placement fees as determined by DOC;

The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

The offender shall submit to affirmative acts necessary to monitor compliance with court orders as required by DOC.

The Court may also order any of the following special conditions:

- (I) The offender shall remain within, or outside of, a specified geographical boundary:
- (II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals: users or sellers of drugs
- (III) The offender shall participate in crime-related treatment or counseling services;
- (IV) The offender shall not consume alcohol;
- (V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or
- (VI) The offender shall comply with any crime-related prohibitions.
- (VII) Other: _____

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FINGERPRINTS

Right Hand

Fingerprint(s) of: JAMES JOHN CHAMBERS, Cause #99-1-00817-2

Attested by: Ted Rutt, CLERK.

By: DEPUTY CLERK

Jessie E. Whitmer

Date: 3-17-00

CERTIFICATE

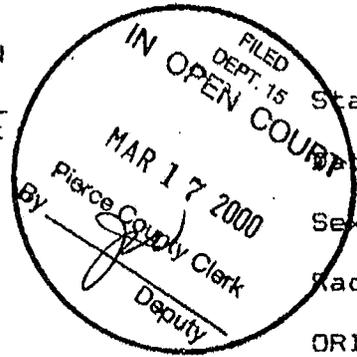
OFFENDER IDENTIFICATION

I, _____
Clerk of this Court, certify that
the above is a true copy of the
Judgment and Sentence in this
action on record in my office.

Dated: _____

CLERK

By: _____
DEPUTY CLERK



State I.D. #WA16025063

Date of Birth 04-23-72

Sex M

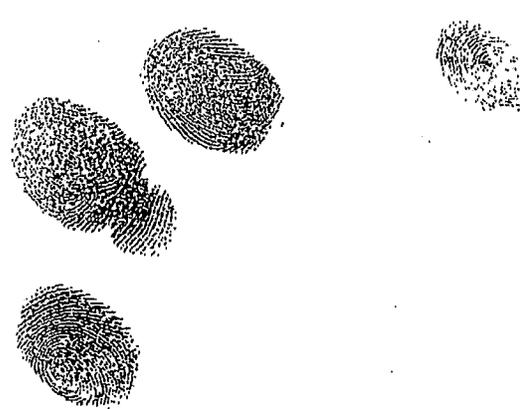
Race W

ORI _____

OCA _____

OIN _____

DOA _____



FINGERPRINTS

APPENDIX E

CERTIFIED COPY

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

STATE OF WASHINGTON,

Plaintiff,

vs.

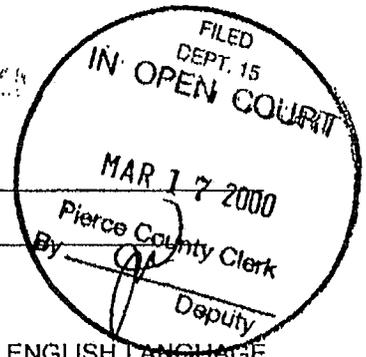
James John Chambas

Defendant.

CAUSE NO. 99-1-05307-1

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY

MAR 17 2000



1. MY TRUE NAME IS James John Chambas
2. MY AGE IS 27
3. I WENT THROUGH THE 9th GRADE AND CAN READ THE ENGLISH LANGUAGE.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

(a) I have the right to be represented by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

My lawyer's name is Lance Hester WSB# 27813

(b) I am charged with the following:

Count I: Failure to remain at injury accident

Elements: In Pierce County, willfully drove a motor vehicle, contacted a person, and failed to stop @ the scene and remain to fulfill obligations required by state law.

Maximum Penalty: 5 yrs, \$10,000

Standard Range: 60 mo's

Count II: Possessing Stolen Property in the 1st Degree

Elements: In Pierce County, knowingly possessed stolen property of a value in excess of \$1500, belonging to another, with intent to appropriate use of that property to anyone other than the true owner.

Maximum Penalty: 10 yrs, \$20,000

Standard Range: 43-57 mo's

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY - 1

Count III: Possessing Stolen Property in the First Degree

Elements: In Provo County, knowingly possessed stolen property of a value in excess of \$1500, belonging to another, with intent to appropriate use of that property to anyone other than the true owner

Maximum Penalty: 10 yrs, \$20,000 fine

Standard Range: 43-57 mo's.

(SEE ATTACHED ADDENDUM - NEXT PAGE)

5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

- (a) The right to a speedy trial and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a determination of guilt after trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

(a) (i) The prosecuting attorney's statement of my criminal history is as follows:

See "Stipulation of Prior Record and Offender Score" (incorporated by reference).

(ii) Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing Judge about those convictions.

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY - 2

I have been informed and fully understand and that I am also charged with the crime of _____

Unlawful Possession of a Firearm in the 1st degree, that the elements of this crime are:

- (a) Having previously been convicted of a felony
- (b) in Washington state
- (c) unlawfully
- (d) Possessed a firearm.
- (e)

WPIC _____,

and that the maximum sentence for the crime is 10 yrs, \$20,000

and/or a fine of \$ 20,000. I have been informed and fully understand that I am also charged with the

crime of Unlawful manufacture of a controlled substance,

that the elements of this crime are:

- (a) unlawfully
- (b) knowingly
- (c) manufacture
- (d) a controlled substance,
- (e) methamphetamine.

WPIC _____,

and that the maximum sentence for the crime is 240 months,

and/or a fine of \$ 50,000.

- (b) This offense is a **most serious offense** as defined by RCW 9.94A.030; and if I have at least two prior convictions for **most serious offenses**, whether in this State, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. **(If not applicable, this sentence should be stricken and initialed by the defendant and the Judge.)**
- (c) The standard sentence range is based on the crimes charged and my criminal history. **Criminal history** includes prior convictions whether in this State, in federal court, or elsewhere. Criminal history shall always include juvenile convictions for sex offenses and serious violent offenses and shall also include a defendant's other prior convictions in juvenile court if (i) The conviction was for an offense which is a felony or a serious traffic offense and its criminal history as defined in RCW 13.40.020(9); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.
- (d) If I am convicted of any new crimes before sentencing, or if any **additional criminal history is discovered**, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered, even though a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement for the standard range, the Judge will order me to pay \$ 500 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the Judge will order me to make restitution unless extraordinary circumstances exist which make restitution inappropriate. The Judge may also order that I pay a fine, court costs and attorney fees. Furthermore, the Judge may place me on community supervision, impose restrictions on my activities, and order me to perform community service.
- (f) The prosecuting attorney will make the following recommendation to the judge:

The state will recommend ~~the~~ 240 months incarceration, time to be served consecutive to ^{the sentences arising from} 99-1-00817-2 and 99-1-02235-3 cause numbers. The state will further agree to not amend charges to include Murder 2^o, nor will they seek sentences for firearm enhancements. Ct I 60mo, Ct II 6 Ct III 57mo Ct IV 116mo Ct V 240mo concurrent with each other consecutive to 99-1-00817-2 + 99-1-02235-3

12 ~~60mo~~ community placement on Ct IV license suspension as required by law on Ct V, \$3000 fine on Ct V ~~DATA~~ \$110, \$500 CRPA Restitution on all counts

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY - 3

(g) The Judge does not have to follow anyone's recommendation as to the sentence to be imposed. The Judge must impose a sentence within the standard range unless the Judge finds substantial and compelling reasons not to do so. If the Judge goes outside the standard range, either I or the State can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

(h) The crime of _____ has a **mandatory minimum sentence** of at least _____ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6(a)(ii). **(If not applicable, this paragraph should be stricken and initialed by the defendant and the Judge).**

(i) I am being sentenced for **two or more serious violent** offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the Judge finds substantial and compelling reasons to do otherwise. **(If not applicable, this paragraph should be stricken and initialed by the defendant and the Judge.)**

this section does not apply

(j) In addition to confinement, the Judge may sentence me to **community placement** for at least 1 year. During the period of community placement, I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities. **(If not applicable, this paragraph should be stricken and initialed by the defendant and the Judge.)**

The Judge may sentence me as a **first time offender** instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030(20). This sentence could include as much as 90 days' confinement plus all of the conditions described in paragraph (e). Additionally, the Judge could require me to undergo treatment, to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. **(If not applicable, this paragraph should be stricken and initialed by the defendant and the Judge).**

this section does not apply

This plea of guilty will result in revocation of my privilege to drive. If I have a **driver's license**, I must now surrender it to the Judge. **(If not applicable, this paragraph should be stricken and initialed by the defendant and the Judge.)**

If I am not a **citizen** of the United States, a plea of guilty to an offense punishable as a crime under State law is grounds for deportation, exclusion of admission to the United States or denial of naturalization pursuant to the laws of the United States.

(n) This crime involves a sexual offense, prostitution or a drug offense associated with hypodermic needles. I will be required to undergo testing for the human immunodeficiency **(AIDS)** virus. **(If not applicable, this paragraph should be stricken and initialed by the defendant and the Judge.)**

(o) This crime involves a sex offense or a violent offense. I will be required to provide a sample of my blood for purposes of **DNA** identification analysis. **(If not applicable, this paragraph should be stricken and initialed by the defendant and the Judge.)**

(p) Because this crime involves a sex offense, I will be required to register with the sheriff of the county of the State of Washington where I reside. I must register immediately upon being sentenced unless I am in custody, in which case I must register within 24 hours of my release.

If I leave this State following my sentencing, or release from custody, but later move back to Washington, I must register within 30 days after moving to this State or within 24 hours after doing so if I am under the jurisdiction of this State's Department of Corrections.

If I change my residence within a county, I must send written notice of my change of residence to the sheriff within 10 days of establishing my new residence. If I change my residence to a new county within this State, I must register with the sheriff of the new county and I must give written notice of my new residence. (If not applicable, these three paragraphs should be stricken and initialed by the defendant and the Judge.)

q) Because I am convicted of a felony crime, I must immediately surrender any concealed pistol license, and I may not possess a firearm.

7. I PLEAD GUILTY TO THE CRIME(S) OF Failure to remain at injury accident, PSP 1°, PSP1°, UPFA 1°, UMCS AS CHARGED IN THE (ORIGINAL/AMENDED) INFORMATION. I HAVE RECEIVED A COPY OF THAT INFORMATION.

8. I MAKE THIS PLEA FREELY AND VOLUNTARILY.

9. NO ONE HAS THREATENED HARM OF ANY KIND TO ME OR TO ANY OTHER PERSON TO CAUSE ME TO MAKE THIS PLEA.

10. NO PERSON HAS MADE PROMISES OF ANY KIND TO CAUSE ME TO ENTER THIS PLEA EXCEPT AS SET FORTH IN THIS STATEMENT.

11. THE JUDGE HAS ASKED ME TO STATE BRIEFLY IN MY OWN WORDS WHAT I DID THAT MAKES ME GUILTY OF THIS CRIME. THIS IS MY STATEMENT:

On 11/14/99 I ~~drove~~ a vehicle which I knew to be stolen, I caused the vehicle to come into contact with a pedestrian, ^{AND SHE WAS INJURED AND DIED} and then I drove away. On 11/19/99 I possessed a different vehicle I knew to be stolen. On 11/19/99 I possessed a firearm - and I had previously been convicted of a felony in Washington state. On 11/19/00 a meth lab was found. While ~~the~~ the lab was not mine, I believe sufficient evidence exists such that ~~the~~ the jury would likely find me guilty of manufacturing methamphetamine if I were to go to trial.

12. MY LAWYER HAS EXPLAINED TO ME, AND WE HAVE FULLY DISCUSSED ALL OF THE ABOVE PARAGRAPHS. I UNDERSTAND THEM ALL. I HAVE BEEN GIVEN A COPY OF THE "STATEMENT OF THE DEFENDANT ON PLEA OF GUILTY". I HAVE NO FURTHER QUESTIONS TO ASK THE JUDGE.

Defendant

STATEMENT OF DEFENDANT ON PLEA OF GUILTY - 5

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

[Signature]
Defendant's Attorney
WSBA # 27813

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned Judge. The defendant asserted that (check the appropriate box):

- (a) The defendant had previously read; or
- (b) The defendant's lawyer had previously read to him or her; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

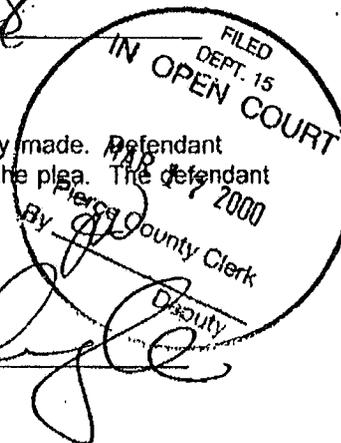
APPROVED FOR ENTRY

[Signature]
Deputy Prosecuting Attorney
WSBA # 17015

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated this 17th day of March, 2000

[Signature]
JUDGE



** I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands. I have translated this entire document for the defendant from English into that language. The defendant acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

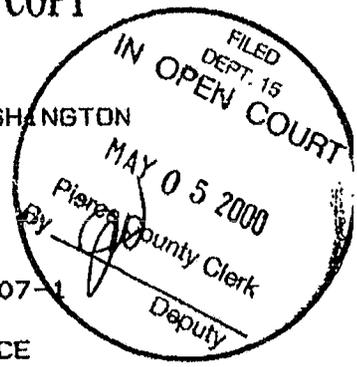
Dated this _____ day of _____

Interpreter

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY - 6

STATE OF WASHINGTON, County of Pierce
ss: I, Kevin Stock, Clerk of the above
entitled Court, do hereby certify that this
foregoing instrument is a true and correct
copy of the original now on file in my office.
IN WITNESS WHEREOF, I hereunto set my
hand and the Seal of said Court this
25th day of Feb, 2000
By *[Signature]* Kevin Stock, Clerk
Brentz

APPENDIX F



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

STATE OF WASHINGTON,
Plaintiff,
vs.
JAMES JOHN CHAMBERS, Jr.,
Defendant.
DOB: 4/23/72
SID NO.: WA16025063
LOCAL ID:

MAY 05 2000
CAUSE NO. 99-1-05307-1
JUDGMENT AND SENTENCE
(FELONY/OVER ONE YEAR)

*Clerk's action required
licence suspension
required*

I. HEARING

- 1.1 A sentencing hearing in this case was held on 5-5-2000.
- 1.2 The defendant, the defendant's lawyer, Lance Hester, and the deputy prosecuting attorney, Allen P. Rose, 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 March 17,
2000 by

plea jury-verdict bench trial of:

Count No.: I
Crime: FAILURE TO REMAIN AT INJURY ACCIDENT, Charge Code: (GG63)
RCW: 46.52.020(1)
Date of Crime: Nov. 14, 1999
Incident No.: 993180404

Count No.: II
Crime: POSSESSING STOLEN PROPERTY IN THE FIRST DEGREE, Charge
Code: (BBB1)
RCW: 9A.56.140(1) and 9A.56.150(1)
Date of Crime: Nov. 14, 1999
Incident No.: 993180404

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ENTERED
JUDGEMENT #- 00-9-05377-1

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1
2
3 Count No.: III
 Crime: POSSESSING STOLEN PROPERTY IN THE FIRST DEGREE, Charge
 Code: (BBB1)
 4 RCW: 9A.56.140(1) and 9A.56.150(1)
 Date of Crime: Nov. 19, 1999
 5 Incident No.: 993180404

6 Count No.: IV
 Crime,
 7 UNLAWFUL POSSESSION OF A FIREARMS IN THE FIRST DEGREE
 Charge Code: (GGG66)
 8 RCW: 9,41,040(1)(a)
 Date of Crime: Nov. 19th, 1999
 9 Incident No.: 993180404

10 Count No.: V
 Crime: UNLAWFUL MANUFACTURING OF A CONTROLLED SUBSTANCE
 11 (METHAMPHETAMINE, Charge Code: (J8M)
 RCW: 69.50.401(a)(1)(iii)
 12 Date of Crime: Nov. 19, 1999
 Incident No.: 993180404
 13

- 14
15
16 [] Additional current offenses are attached in Appendix 2.1.
 17 [] A special verdict/finding for use of deadly weapon other than a
 firearm was returned on Count(s).
 18 [] A special verdict/finding for use of a firearm was returned on
 Counts_____.
 19 [] A special verdict/finding of sexual motivation was returned on
 Count(s)_____.
 20 [] A special verdict/finding of a RCW 69.50.401(a) violation in a
 school bus, public transit vehicle, public park, public transit
 21 shelter or within 1000 feet of a school bus route stop or the
 perimeter of a school grounds (RCW 69.50.435).
 [] Other current convictions listed under different cause numbers used
 22 in calculating the offender score are (list offense and cause
 number):

- 23
24 [] Current offenses encompassing the same criminal conduct and
 counting as one crime in determining the offender score are (RCW
 25 9.94A.400(1)):

26
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2.2 CRIMINAL HISTORY: Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.360):

<u>Crime</u>	<u>Sentencing Date</u>	<u>Adult or Juv. Crime</u>	<u>Date of Crime</u>	<u>Crime Type</u>
UMCS	11-09-95	A	10-26-95	nv
UPCS	3-17-00	A	5-24-99	NV
UPFA	3-17-00	A	2-2499	NV
UPFA	3-17-00	A	2-24-99	NV
UPCSWID (METH)W/DW	3-17-00	3-17-00 A	2-24-99	2-24-99 NV
	NV			
UMCS (METH) W/DW	3-17-00	A	2-24-99	NV

- Additional criminal history is attached in Appendix 2.2.
- Prior convictions served concurrently and counted as one offense in determining the offender score are (RCW 9.94A.360(5)(a)):

2.3 SENTENCING DATA:

	<u>Offender Score</u>	<u>Serious Level</u>	<u>Standard Range(SR)</u>	<u>Enhancement</u>	<u>Maximum Term</u>
Count I:	10	IV	60 MO	NONE	5 YRS
Count II:	10	II	43-57 MO	NONE	10 YRS
Count III:	10	II	43-57 MO	NONE	10 YRS
Count IV:	10	VII	87-116 MO	NONE	10 YRS
Count V:	17	X	240 MO	NONE	20 YRS

- 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
- above within below the standard range for Count(s) . Findings of fact and conclusions of law are attached in Appendix 2.4. The Prosecuting Attorney did did not recommend a similar sentence.

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2.5 RECOMMENDED AGREEMENTS:

[X] For violent offenses, serious violent offenses, most serious offenses, or any felony with a deadly weapon special verdict under RCW 9.94A.125; any felony with any deadly weapon enhancements under RCW 9.94A.310(3) or (4) or both; and/or felony crimes of possession of a machine gun, possessing a stolen firearm, reckless endangerment in the first degree, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun, the recommended sentencing agreements or plea agreements are [] attached [X] as follows:

- 60 MONTHS ON COUNT I
- 57 MONTHS ON COUNT II
- 57 MONTHS ON COUNT III
- 116 MONTHS ON COUNT IV
- 240 MONTHS ON COUNT V

CONCURRENT TO EACH OTHER. ALL COUNTS TO BE SERVED CONSECUTIVELY TO 99-1-00817-2 AND 99-1-02235-3. 12 MONTHS COMMUNITY PLACEMENT ON CT. V, LICENSE SUSPENSION AS REQUIRED BY LAW ON CT. I. \$3000 FINE ON COUNT V. \$110 CT COSTS, \$500 CVPA, AND RESTITUTION ON ALL COUNTS

2.6 RESTITUTION:

- [] Restitution will not be ordered because the felony did not result in injury to any person or damage to or loss of property.
- [X] Restitution should be ordered. A hearing is set for June 16th 2000 at 1:30
- [] Extraordinary circumstances exist that make restitution defendant works inappropriate. The extraordinary circumstances are set forth in his presence Appendix 2.5.
- [] Restitution is ordered as set out in Section 4.1, LEGAL FINANCIAL OBLIGATIONS.

2.7 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS: The court has considered 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 specifically finds that the defendant has the ability to pay:

- [] no legal financial obligations.
- [X] the following legal financial obligations:
 - [X] crime victim's compensation fees.
 - [X] court costs (filing fee, jury demand fee, witness costs, sheriff services fees, etc.)
 - [X] county or inter-local drug funds.

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- court appointed attorney's fees and cost of defense.
- fines.
- other financial obligations assessed as a result of the felony conviction.

A notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender, if a monthly court-ordered legal financial obligation payment is not paid when due and an amount equal to or greater than the amount payable for one month is owed.

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.

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 LEGAL FINANCIAL OBLIGATIONS. Defendant shall pay to the Clerk of this Court:

- \$ Lates order of court, Restitution to: _____
- _____
- _____
- \$ 110.00, Court costs (filing fee, jury demand fee, witness costs, sheriff service fees, etc.);
- \$ 500.00, Victim assessment;
- \$ 3,000, Fine; VUCSA additional fine waived due to indigency (RCW 69.50.430);
- \$ _____, Fees for court appointed attorney;
- \$ _____, Washington State Patrol Crime Lab costs;
- \$ _____, Drug enforcement fund of _____;

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\$ _____ Other costs for: _____;

\$ 3,610.00 TOTAL legal financial obligations [] including
restitution not including restitution.

[] Minimum payments shall be not less than \$ _____ per month.
Payments shall commence on _____.

The Department of Corrections shall set a payment schedule.

[] Restitution ordered above shall be paid jointly and severally with:

Name	Cause Number
_____	_____
_____	_____

The defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to ten years from the date of sentence or release from confinement to assure payment of the above monetary obligations.

Any period of supervision shall be tolled during any period of time the offender is in confinement for any reason.

Defendant must contact the Department of Corrections at 755 Tacoma Avenue South, Tacoma upon release or by _____.

Bond is hereby exonerated.

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4.2 CONFINEMENT OVER ONE YEAR: The defendant is sentenced as follows:

(a) CONFINEMENT: (Standard Range) RCW 9.94A.400. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections:

<u>60</u>	months on Count No. <u>I</u>	<input checked="" type="checkbox"/>	concurrent	<input type="checkbox"/>	consecutive
<u>37</u>	months on Count No. <u>II</u>	<input checked="" type="checkbox"/>	concurrent	<input type="checkbox"/>	consecutive
<u>57</u>	months on Count No. <u>III</u>	<input checked="" type="checkbox"/>	concurrent	<input type="checkbox"/>	consecutive
<u>116</u>	months on Count No. <u>IV</u>	<input checked="" type="checkbox"/>	concurrent	<input type="checkbox"/>	consecutive
<u>240</u>	months on Count No. <u>V</u>	<input checked="" type="checkbox"/>	concurrent	<input type="checkbox"/>	consecutive

Standard range sentence shall be concurrent consecutive with the sentence imposed in Cause Nos.: 99-1-00817-2 + 99-1-02235-3

Credit is given for any time previously served to be credited on 99-1-00817-2 + 99-1-02235-3 days served;

4.3 COMMUNITY PLACEMENT (RCW 9.94A.120). The defendant is sentenced to community placement for one year two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150(1) and (2), whichever is longer.

on
at II

COMMUNITY CUSTODY (RCW 9.94A.120(1)). Because this was a sex offense that occurred after June 6, 1996, the defendant is sentenced to community custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150(1) and (2), whichever is longer.

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 Department of Corrections-approved education, employment and/or community 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 the Department of Corrections; 6) residence location and living arrangements are subject to the approval of the department of corrections during the period of community placement.

comply with all conditions of D.O.C

- (a) The offender shall not consume any alcohol;
- (b) The offender shall have no contact with: _____
- (c) The offender shall remain within or outside of a specified geographical boundary, to-wit: _____
- (d) The offender shall participate in the following crime related treatment or counseling services: _____
- (e) The defendant shall comply with the following crime-related prohibitions: NO driving w/o license & insurance

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(f) OTHER SPECIAL CONDITIONS AND CRIME RELATED PROHIBITIONS:
License Suspension as required by law

(g) HIV TESTING. The Health Department or designee shall test the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. (RCW 70.24.340)

(h) DNA TESTING. The defendant shall have a blood sample drawn for purpose of DNA identification analysis. The Department of Corrections shall be responsible for obtaining the sample prior to the defendant's release from confinement. (RCW 43.43.754)

PURSUANT TO 1993 LAWS OF WASHINGTON, CHAPTER 419, IF OFFENDER IS FOUND TO BE A CRIMINAL ALIEN ELIGIBLE FOR RELEASE AND DEPORTATION BY THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE, SUBJECT TO ARREST AND REINCARCERATION IN ACCORDANCE WITH THIS LAW, THEN THE UNDERSIGNED JUDGE AND PROSECUTOR CONSENT TO SUCH RELEASE AND DEPORTATION PRIOR TO THE EXPIRATION OF THE SENTENCE.

EACH VIOLATION OF THIS JUDGMENT AND SENTENCE IS PUNISHABLE BY UP TO 60 DAYS OF CONFINEMENT. (RCW 9.94A.200(2)).

FIREARMS: PURSUANT TO RCW 9.41.040, YOU MAY NOT OWN, USE OR POSSESS ANY FIREARM UNLESS YOUR RIGHT TO DO SO IS RESTORED BY A COURT OF RECORD.

ANY DEFENDANT CONVICTED OF A SEX OFFENSE MUST REGISTER WITH THE COUNTY SHERIFF FOR THE COUNTY OF THE DEFENDANT'S RESIDENCE WITHIN 24 HOURS OF DEFENDANT'S RELEASE FROM CUSTODY. RCW 9A.44.130.

PURSUANT TO RCW 10.73.090 AND 10.73.100, THE DEFENDANT'S RIGHT TO FILE ANY KIND OF POST SENTENCE CHALLENGE TO THE CONVICTION OR THE SENTENCE MAY BE LIMITED TO ONE YEAR.

Date: 5-5-2000

[Signature]
JUDGE

Presented by:
[Signature]

Approved as to form:
[Signature]

Allen P. Rose
Deputy Prosecuting Attorney
WSB # 17045

⁶⁷ Lance Hester
Lawyer for Defendant
WSB # 17283

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