

NO. 42904-7-II

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

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STATE OF WASHINGTON,

Respondent,

v.

MAURICIO PAIGE-COLTER

Appellant.

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ON APPEAL FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON FOR PIERCE COUNTY

The Honorable Stephanie A. Arend, Judge

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BRIEF OF APPELLANT

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Attorney for Appellant

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Seattle, WA 98122  
(206) 623-2373

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A. ASSIGNMENT OF ERROR

The trial court erred when it found appellant had the current or future ability to pay legal financial obligations (LFOs). CP 74 (finding 2.5).<sup>1</sup>

Issue Pertaining to Assignment of Error

Whether the trial court erred when it found, absent an inquiry into appellant's individual circumstances, that he has the current or future ability to pay LFOs?

B. STATEMENT OF THE CASE

On August 9, 2011, the Pierce County prosecutor charged appellant Mauricio Paige-Colter with first degree assault and first degree unlawful possession of a firearm. CP 1-2. Paige-Colter was convicted by a jury as charged. CP 66-67. The jury also returned a special verdict finding Paige-Colter was armed with a firearm during the assault. CP 68; 1RP<sup>2</sup> 541-44.

The trial court imposed a concurrent standard range sentence of 300 months on the assault and unlawful possession counts plus a consecutive 60 months for using a firearm on the first assault count. CP

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<sup>1</sup> The Judgment and Sentence is attached as an appendix.

<sup>2</sup> This brief refers to the verbatim report of proceedings as follows: 1RP – November 15, 16, 17, 21, 28, and 29, 2011; 2RP – December 9, 2011.

70-83; 2RP 11-12. The court imposed \$2,300 in legal financial obligations (LFOs). CP 74 (finding 2.5).

Although there was no discussion of Paige-Colter's financial circumstances, the judgment and sentence includes a written "finding," which was pre-printed on the sentencing form:

The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein.

CP 74 (finding 2.5).

Paige-Colter timely filed his Notice of Appeal. CP 84. His motion for order of indigency indicates he is unemployed, owns no real estate, owns no stocks or bonds, is not the beneficiary of any trust, has no savings or substantial income of any kind, and has debts totaling \$3,000. CP 86-90. Paige-Colter was found to be indigent for purposes of appeal. CP 91-93.

C. ARGUMENT

THE TRIAL COURT ERRED WHEN IT FOUND – WITHOUT EVIDENCE – THAT PAIGE-COLTER HAD THE PRESENT OR FUTURE ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS.

To enter a finding regarding ability to pay LFOs, a sentencing court must consider the individual defendant’s financial resources and the burden of imposing such obligations on him. State v. Bertrand, 165 Wn. App. 393, 403-04, 267 P.3d 511 (2011) (citing State v. Baldwin, 63 Wn. App. 303, 312, 818 P.2d 1116, 837 P.2d 646 (1991)).

This Court reviews the trial court’s decision on ability to pay under the “clearly erroneous” standard. Bertrand, 165 Wn. App. at 403-04. This error may be raised for the first time on appeal. Bertrand, 165 Wn. App. at 395; see also State v. Ford, 137 Wn.2d 472, 477, 973 P.2d 452 (1999) (unlawful sentence may be challenged for the first time on appeal).

While formal findings are not required, to survive appellate scrutiny the record must establish the sentencing judge at least considered the defendant’s financial resources and the “nature of the burden” imposed by requiring payment. Bertrand, 165 Wn. App. at 404 (citing Baldwin, 63 Wn. App. at 311-12); see also State v. Grayson, 154 Wn.2d 333, 342, 111 P.3d 1183 (2005) (court’s failure to exercise discretion in sentencing is reversible error).

As in Bertrand, this record reveals no evidence or analysis supporting the court's "finding" that Paige-Colter had the present or future ability to pay his LFOs. The record actually suggests precisely the opposite – that Paige-Colter has no source of income or significant assets.

Accordingly, the court's finding that Paige-Colter has the present or future ability to pay LFOs is clearly erroneous and should be stricken. Bertrand, 165 Wn. App. at 405. Before the State can collect LFOs in this case, there must be a properly supported, individualized judicial determination that Paige-Colter has the ability to pay. Id.

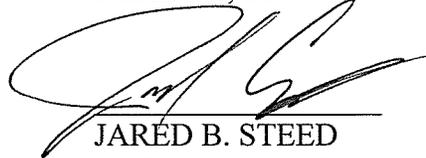
D. CONCLUSION

For the reasons stated above, the sentencing court's finding that Paige-Colter has the present or future ability to pay LFOs was clearly erroneous and must be stricken.

DATED this 20<sup>th</sup> day of July, 2012.

Respectfully submitted,

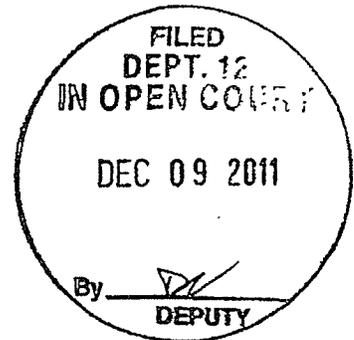
NIELSEN, BROMAN & KOCH



JARED B. STEED  
WSBA No. 40635  
Office ID No. 91051  
Attorneys for Appellant

## **APPENDIX**

11-1-03207-0



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

DEC 12 2011

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 11-1-03207-0

vs.

MAURICIO TERRENCE PAIGE-COLTER

Defendant.

JUDGMENT AND SENTENCE (FJS)

- Prison [ ] RCW 9.94A.712 Prison Confinement
- [ ] Jail One Year or Less
- [ ] First-Time Offender
- [ ] Special Sexual Offender Sentencing Alternative
- [ ] Special Drug Offender Sentencing Alternative
- [ ] Alternative to Confinement (ATC)
- [ ] Clerk's Action Required, para 4.5 (SDOSA), 4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8
- [ ] Juvenile Decline [ ] Mandatory [ ] Discretionary

SID: WA16452625  
DOB: 09/08/1976

I. HEARING

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

II. FINDINGS

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

2.1 CURRENT OFFENSE(S): The defendant was found guilty on **Nov 29, 2011**  
by [ ] plea [ X ] jury-verdict [ ] bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO
I	Assault in the First Degree	9A.36.011(1)(a) 9A.36.011(1)(c) 9.94A.530 9.94A.533	F	08/02/2011	112141458
II	Unlawful Possession of a Firearm in the First Degree	9.41.040(1)(a)	--	08/02/2011	112141458

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Horn, See RCW 46.61.520, (JP) Juvenile present, (SM) Sexual Motivation, (SCF) Sexual Conduct with a Child for a Fee. See RCW 9.94A.533(8). (If the crime is a drug offense, include the type of drug in the second column.)

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as charged in the Original Information

- A special verdict/finding for use of firearm was returned on Count(s) I RCW 9.94A.602, 9.94A.533.
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	Attempted Robbery in the First Degree	09/28/1994	Pierce County, WA	06/30/1994	J	V
2	UPCS-Meth	10/29/1996	Thurston County, WA	3/14/1996	A	NV
3	Unlawful Possession of a Firearm in the Second Degree	10/29/1996	Thurston County, WA	3/14/1996	A	NV
4	UPCS	6/7/1999	Pierce County, WA	1/11/99	A	NV
5	Drive-By Shooting	7/7/2000	Pierce County, WA	1/7/2000	A	V
6	Unlawful Possession of a Firearm in the Second Degree	7/7/2000	Pierce County, WA	1/7/2000	A	NV
7	Assault in the Third Degree	9/3/2004	Pierce County, WA	10/31/2003	A	NV
8	Attempt-UPCSWID-Meth	<del>7/27/01</del> 6/27/08	Pierce County, WA	1/26/2008	A	NV

- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

2.3 SENTENCING DATA:

COUNT NO	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	9+	XII	240 - 318 months	60 months	300 - 378 months	Life/ \$50000
II	9	VII	87 - 116 months	N/A	87 - 116 months	10 years/ \$25000

- 2.4  EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence.
- within  below the standard range for Count(s) \_\_\_\_\_
  - above the standard range for Count(s) \_\_\_\_\_
  - The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.
  - Aggravating factors were  stipulated by the defendant,  found by the court after the defendant waived jury trial,  found by jury by special interrogatory.

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

2.5 **ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS** The court has considered the total amount owing, the defend's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are  attached  as follows: N/A

**III. JUDGMENT**

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

3.2  The court DISMISSES Counts \_\_\_\_\_  The defendant is found NOT GUILTY of Counts \_\_\_\_\_

**IV. SENTENCE AND ORDER**

IT IS ORDERED.

4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

JASS CODE

RTN/RN	\$ _____	Restitution to: _____
	\$ _____	Restitution to: _____
	(Name and Address--address may be withheld and provided confidentially to Clerk's Office).	
PCV	\$ <u>500.00</u>	Crime Victim assessment
DNA	\$ <u>100.00</u>	DNA Database Fee
PUB	\$ <u>1500</u>	Court-Appointed Attorney Fees and Defense Costs
FRC	\$ <u>200.00</u>	Criminal Filing Fee
FCM	\$ _____	Fine

**OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)**

\$ \_\_\_\_\_ Other Costs for: \_\_\_\_\_

\$ \_\_\_\_\_ Other Costs for: \_\_\_\_\_

\$ 2300 TOTAL

*[Signature]* 11-1-03207-0

The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:  shall be set by the prosecutor  is scheduled for \_\_\_\_\_

**RESTITUTION. Order Attached**

Restitution ordered above shall be paid jointly and severally with:

NAME of other defendant	CAUSE NUMBER	(Victim name)	(Amount-\$)
<del>BJN</del>			

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

All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein. Not less than \$ 22.00 per month commencing 2/2/10 RCW 9.94.760 If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

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

**COSTS OF INCARCERATION.** In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate. RCW 10.01.160.

**COLLECTION COSTS** The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

**INTEREST** The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

**COSTS ON APPEAL** An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW. 10.73.160.

4.1b **ELECTRONIC MONITORING REIMBURSEMENT.** The defendant is ordered to reimburse \_\_\_\_\_ (name of electronic monitoring agency) at \_\_\_\_\_ for the cost of pretrial electronic monitoring in the amount of \$ \_\_\_\_\_.

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

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

4.3 **NO CONTACT**

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The defendant shall not have contact with Brandy Wallace, 10/23/1986 (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for LIFE years (not to exceed the maximum statutory sentence)

Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

4.4 OTHER: Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law.

Appendix F

4.4a  All property is hereby forfeited

Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law.

4.4b BOND IS HEREBY EXONERATED

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

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

300 months on Count I \_\_\_\_\_ months on Count \_\_\_\_\_

116 months on Count II \_\_\_\_\_ months on Count \_\_\_\_\_

\_\_\_\_\_ months on Count \_\_\_\_\_ months on Count \_\_\_\_\_

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:

60 months on Count No I \_\_\_\_\_ months on Count No \_\_\_\_\_

\_\_\_\_\_ months on Count No \_\_\_\_\_ months on Count No \_\_\_\_\_

\_\_\_\_\_ months on Count No \_\_\_\_\_ months on Count No \_\_\_\_\_

Sentence enhancements in Count I shall run  
 concurrent  consecutive to each other.

Sentence enhancements in Counts I shall be served  
 flat time  subject to earned good time credit

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Actual number of months of total confinement ordered is: 360 months

(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

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

**CONSECUTIVE/CONCURRENT SENTENCES.** RCW 9.94A.589. All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, sexual motivation, VUCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively \_\_\_\_\_

The sentence herein shall run consecutively to all felony sentences in other cause numbers imposed prior to the commission of the crime(s) being sentenced. The sentence herein shall run concurrently with felony sentences in other cause numbers imposed after the commission of the crime(s) being sentenced except for the following cause numbers. RCW 9.94A.589: \_\_\_\_\_

Confinement shall commence immediately unless otherwise set forth here: \_\_\_\_\_

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 124 DAYS

4.6  **COMMUNITY PLACEMENT** (pre 7/1/00 offenses) is ordered as follows:

Count \_\_\_\_\_ for \_\_\_\_\_ months;

Count \_\_\_\_\_ for \_\_\_\_\_ months;

Count \_\_\_\_\_ for \_\_\_\_\_ months;

**COMMUNITY CUSTODY** (To determine which offenses are eligible for or required for community custody see RCW 9.94A.701)

(A) The defendant shall be on community custody for the longer of:

(1) the period of early release. RCW 9.94A.728(1)(2); or

(2) the period imposed by the court, as follows:

Count(s) I 36 months for Serious Violent Offenses

Count(s) \_\_\_\_\_ 18 months for Violent Offenses

Count(s) \_\_\_\_\_ 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

(B) While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully

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issued prescriptions, (5) not unlawfully possess controlled substances while in community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (9) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706 and (10) for sex offenses, submit to electronic monitoring if imposed by DOC. The defendant's residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

The court orders that during the period of supervision the defendant shall:

consume no alcohol

have no contact with: \_\_\_\_\_

remain  within  outside of a specified geographical boundary, to wit: PSRCCO

not serve in any paid or volunteer capacity where he or she has control or supervision of minors under 13 years of age

participate in the following crime-related treatment or counseling services: \_\_\_\_\_

undergo an evaluation for treatment for  domestic violence  substance abuse

mental health  anger management and fully comply with all recommended treatment.

comply with the following crime-related prohibitions: \_\_\_\_\_

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

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

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

PROVIDED: That under no circumstances shall the total term of confinement plus the term of community custody actually served exceed the statutory maximum for each offense.

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1  
2 4.7  **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is  
3 eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the  
4 sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on  
5 community custody for any remaining time of total confinement, subject to the conditions below. Violation  
6 of the conditions of community custody may result in a return to total confinement for the balance of the  
7 defendant's remaining time of total confinement. The conditions of community custody are stated above in  
8 Section 4.6.

9 4.8 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the  
10 defendant while under the supervision of the County Jail or Department of Corrections: \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_

14 **V. NOTICES AND SIGNATURES**

15 5.1 **COLLATERAL ATTACK ON JUDGMENT** Any petition or motion for collateral attack on this  
16 Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus  
17 petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to  
18 arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in  
19 RCW 10.73.100. RCW 10.73.090.

20 5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall  
21 remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to  
22 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of  
23 all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an  
24 offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the  
25 purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is  
26 completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW  
27 9.94A.505. The clerk of the court is authorized to collect unpaid legal financial obligations at any time the  
28 offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.  
RCW 9.94A.760(4) and RCW 9.94A.753(4).

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

5.4 **RESTITUTION HEARING.**  
 Defendant waives any right to be present at any restitution hearing (sign initials): \_\_\_\_\_

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5.5 CRIMINAL ENFORCEMENT AND CIVIL COLLECTION. Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means RCW 9.94A.634

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

5.7 SEX AND KIDNAPPING OFFENDER REGISTRATION RCW 9A.44.130, 10.01.200.

N/A

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

5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.10 OTHER: FORFEIT ITEMS IN EVIDENCE TO  
LAW ENFORCEMENT

DONE in Open Court and in the presence of the defendant this date: 12-9-2011

[Signature]

Deputy Prosecuting Attorney  
Print name: T. O. HOWE  
WSB # 34050

JUDGE [Signature]  
Print name \_\_\_\_\_

David S Shaw  
Attorney for Defendant  
Print name: David S Shaw  
WSB # 13994

Defendant  
Print name: Refused to sign DSS

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony convictions. IF I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: Refused to sign DSS

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1  
2 **CERTIFICATE OF CLERK**

3 CAUSE NUMBER of this case: 11-1-03207-0

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

6 WITNESS my hand and seal of the said Superior Court affixed this date: \_\_\_\_\_

7 Clerk of said County and State, by: \_\_\_\_\_, Deputy Clerk

8  
9 **IDENTIFICATION OF COURT REPORTER**

10 \_\_\_\_\_  
11 Court Reporter

10 of 10

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION TWO**

---

STATE OF WASHINGTON,	)	
	)	
Respondent,	)	
	)	
vs.	)	COA NO. 42904-7-II
	)	
MAURICIO PAIGE-COLTER,	)	
	)	
Appellant.	)	

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**DECLARATION OF SERVICE**

I, PATRICK MAYOVSKY, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

THAT ON THE 20<sup>TH</sup> DAY OF JULY 2012, I CAUSED A TRUE AND CORRECT COPY OF THE **BRIEF OF APPELLANT** TO BE SERVED ON THE PARTY / PARTIES DESIGNATED BELOW BY DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

[X] MAURICIO PAIGE-COLTER  
DOC NO. 758532  
COYOTE RIDGE CORRECTIONS CENTER  
P.O. BOX 769  
CONNELL, WA 99362

**SIGNED** IN SEATTLE WASHINGTON, THIS 19<sup>TH</sup> DAY OF JULY 2012.

x *Patrick Mayovsky*

# NIELSEN, BROMAN & KOCH, PLLC

July 19, 2012 - 5:58 PM

## Transmittal Letter

Document Uploaded: 429047-Appellant's Brief.pdf

Case Name: Mauricio Paige-Colter

Court of Appeals Case Number: 42904-7

Is this a Personal Restraint Petition?  Yes  No

### The document being Filed is:

- Designation of Clerk's Papers  Supplemental Designation of Clerk's Papers
- Statement of Arrangements
- Motion: \_\_\_\_\_
- Answer/Reply to Motion: \_\_\_\_\_
- Brief: Appellant's
- Statement of Additional Authorities
- Cost Bill
- Objection to Cost Bill
- Affidavit
- Letter
- Copy of Verbatim Report of Proceedings - No. of Volumes: \_\_\_\_\_  
Hearing Date(s): \_\_\_\_\_
- Personal Restraint Petition (PRP)
- Response to Personal Restraint Petition
- Reply to Response to Personal Restraint Petition
- Other: \_\_\_\_\_

### Comments:

No Comments were entered.

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