

No. 94175-1

FILED
JULY 27, 2015
Court of Appeals
Division III
State of Washington

NO. 32002-2-III

COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON

IN THE MATTER OF THE PERSONAL RESTRAINT OF

STEVEN LOUIS CANHA,

Petitioner

APPEAL FROM THE SUPERIOR COURT
FOR BENTON COUNTY
SUPERIOR COURT NO. 07-1-01052-5

RESPONSE TO PERSONAL RESTRAINT PETITION

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In response to the Personal Restraint Petition herein, State of Washington alleges as follows:

I. ISSUES

- A. The defendant's offender score was properly calculated, with the exception of the inclusion of the defendant's Oregon conviction for Hindering Prosecution.**

II. STATEMENT OF FACTS AND BASIS FOR CUSTODY

The defendant was found guilty after jury trial of two counts of Assault in the Second Degree and two counts of Unlawful Possession of a Firearm in the First Degree. Appendix A – Felony Judgment and Sentence. The jury returned special verdicts that the defendant used a firearm in the commission of both of the Assault in the Second Degree counts. Appendix B – Special Verdict Forms for Counts I and II. At sentencing, the defendant's offender score was calculated using out-of-state criminal convictions which included:

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	Hindering Prosecution	January 6, 2005	Jackson County Circuit Court, Oregon	November 9, 2004	A	NV
2	Criminal Mischief in the First Degree	November 20, 2001	Klamath County Circuit Court, Oregon	July 22, 2001	A	NV
3	Felon in Possession of a Firearm	September 29, 2000	Jackson County Circuit Court, Oregon	August 4, 2000	A	NV
4	Manslaughter	August 5, 1991	California	October 18, 1990	A	SV

Appendix A at 3.

III. AUTHORITY AND ARGUMENT

A. Hindering Prosecution Conviction

The Revised Code of Oregon 162.325, under which the defendant was charged with Hindering Prosecution, states:

(1) A person commits the crime of hindering prosecution if, with intent to hinder the apprehension, prosecution, conviction or punishment of a person who has committed a crime punishable as a felony, or with the intent to assist a person who has committed a crime punishable as a felony in profiting or benefiting from the commission of the crime, the person:

(a) Harbors or conceals such person; . . .

The indictment in the Circuit Court of the State of Oregon for the County of Jackson, Case No.: 04-5744-FE, in which the defendant was charged with Hindering Prosecution, states:

The said defendant, on or about the 9th day of November 2004 in the said County of Jackson and State of Oregon, then and there being, did unlawfully, with intent to hinder the apprehension of Shonna Coleman-George, a person who had committed a crime punishable as a felony, harbor the said Shonna Coleman-George, contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Oregon.

Appendix C – Jackson County No. 04-5744-FE Indictment.

Thus, the State of Oregon's Hindering Prosecution charge is comparable to the Washington Rendering Criminal Assistance in the Second Degree charge, RCW 9A.76.080, which states:

(1) A person is guilty of rendering criminal assistance in the second degree if he or she renders criminal assistance to a person who has committed or is being sought for a class B or class C felony or an equivalent juvenile offense or to someone being sought for violation of parole, probation, or community supervision.

(2)(a) Except as provided in (b) of this subsection, rendering criminal assistance in the second degree is a gross misdemeanor.

The Oregon record is silent as to the level of felony offense Ms. Coleman-George committed or was being sought for and thus the State would concede that the defendant's conviction for Hindering Prosecution would only be comparable to the Washington Rendering Criminal Assistance in the Second Degree gross misdemeanor offense and therefore was erroneously calculated as a point in the defendant's offense score.

B. Criminal Mischief in the First Degree Conviction

The Revised Code of Oregon 164.365 that was in effect at the time the defendant was charged with the crime of Criminal Mischief in the First Degree states in part:

(1) A person commits the crime of criminal mischief in the first degree who, with intent to damage property, and having no right to do so nor reasonable ground to believe that the person has such right:

(a) Damages or destroys property of another:

(A) In an amount exceeding \$500; . . .

The information under which the defendant was charged alleged that:

The said defendant on or about 7/22/01 in Klamath County, Oregon, with intent to damage property, did unlawfully damage windows, in an amount exceeding five hundred dollars, the property of Jeff Polly, by breaking the windows, the said defendant having no right to do so nor reasonable ground to believe that defendant had such right, said act of defendant being contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon.

Appendix D – Information of District Attorney, Klamath County Case No. 01-2147CR at 2.

The above referenced statute is comparable to the Washington Malicious Mischief in the Second Degree statute that was in effect at the time the defendant committed the criminal acts that are the basis for his appeal. That statute reads in part: “Malicious mischief in the second degree. (1) A person is guilty of malicious mischief in the second degree if he or she knowingly and maliciously: (a) Causes physical damage to the property of another in an amount exceeding two hundred fifty dollars; . . .” RCW 9A.48.080 (2001) (*See Appendix E*).

Therefore, the Oregon Criminal Mischief in the First Degree elements are comparable to the elements of the Washington State Malicious Mischief in the Second Degree felony offense and thus the

Criminal Mischief in the First Degree conviction was lawfully included as a point in the defendant's offender score.

C. Felon in Possession of a Firearm Conviction

The Revised Code of Oregon 166.270, under which the defendant was charged with Felon in Possession of a Firearm, states:

(1) Any person who has been convicted of a felony under the law of this state or any other state, or who has been convicted of a felony under the laws of the Government of the United States, who owns or has in the persons possession or under the persons custody or control any firearm commits the crime of felon in possession of a firearm.

The Circuit Court of the State of Oregon for the County of Jackson's District Attorney's Information under which the defendant was charged with Felon in Possession of a Firearm states:

The said defendant, on or about the 4th day of August, 2000, in Jackson County, Oregon, then and there being, having previously been convicted in California in August 1991, of the felony of Voluntary Manslaughter, did unlawfully and knowingly have in the defendant's possession a firearm, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon.

Appendix F – District Attorney's Information, Case No. EPPD00-2242.

This is comparable to the Revised Code of Washington 9.41.040 Unlawful Possession of a Firearm statute, which states as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or

has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

At trial in this matter, the defendant stipulated that he had previously been convicted of a Serious Offense. Appendix G – Stipulation. Thus, the Felon in Possession of a Firearm conviction elements were comparable to the Washington State Unlawful Possession of a Firearm in the First Degree filing and was thus properly included as a point in calculating the defendant's offender score.

D. Voluntary Manslaughter Conviction

The defendant was originally charged by Felony Complaint in Municipal Court of Los Angeles Judicial District, County of Los Angeles, State of California, under Case No.: NA005106, with Murder pursuant to California Penal Code Section 187(a), which states: "187. (a) Murder is the unlawful killing of a human being, or a fetus, with malice aforethought." Appendix H – Los Angeles County Case No. NA005106 Felony Complaint.

The California Penal Code Section 188 defines Malice Aforethought as:

188. Such malice may be express or implied. It is express when there is manifested a deliberate intention unlawfully to take away the life of a fellow creature. It is implied, when no considerable provocation appears, or when the circumstances attending the killing show an abandoned and malignant heart.

When it is shown that the killing resulted from the intentional doing of an act with express or implied malice as defined above, no other mental state need be shown to establish the mental state of malice aforethought. Neither an awareness of the obligation to act within the general body of laws regulating society nor acting despite such awareness is included within the definition of malice.

The felony complaint in Case No.: NA005106 stated:

On and between October 17, 1990 and October 18, 1990, in the County of Los Angeles, the Crime of MURDER, in violation of PENAL CODE SECTION 187(a), a Felony, was committed by STEVEN LOUIS CANHA, who did willfully, unlawfully, and with malice aforethought murder

John Spaw, a human being. It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(1).

It is further alleged that in the commission and attempted commission of the above offense, the said defendant(s), STEVEN LOUIS CANHA, personally used a firearm(s) within the meaning of Penal Code Sections 1203.06(a)(1) and 12022.5 and also causing the above offense to become a serious felony pursuant to Penal Code Section 1192.7(c)(8).

Appendix H at 1.

The defendant entered a plea in the above referenced matter to the lesser included offense of Voluntary Manslaughter under California Penal Code 192(a). Appendix I – Abstract of Judgment – Prison Commitment, Los Angeles County Case No. NA005106. The defendant also pled guilty to the use of a firearm pursuant to Penal Code Section 12022.5(a)(1). *Id.*

California Penal Code 192(a), states in part: “Manslaughter is the unlawful killing of a human being without malice. It is of three kinds: (a) Voluntary--upon a sudden quarrel or heat of passion”

When the defendant entered his plea to Voluntary Manslaughter on August 5, 1991, the Deputy District Attorney made the following record: “The people’s reasoning for this sentencing on this murder case is that apparently there was a lot of contact between victim and the defendant and that this appears to be a homicide that took place during a sudden quarrel.”

Appendix J – Transcript of 08/05/1991 Guilty Plea and State Prison hearing in Los Angeles Superior Court Case No. NA005106 at 2.

The California Manslaughter Penal Code 192(a) is comparable to the Washington Murder in the Second Degree statute which reads as follows:

(1) A person is guilty of murder in the second degree when:

(a) With intent to cause the death of another person but without premeditation, he or she causes the death of such person or of a third person; or

(b) He or she commits or attempts to commit any felony, including assault, other than those enumerated in RCW 9A.32.030(1)(c), and, in the course of and in furtherance of such crime or in immediate flight therefrom, he or she, or another participant, causes the death of a person other than one of the participants; except that in any prosecution under this subdivision (1)(b) in which the defendant was not the only participant in the underlying crime, if established by the defendant by a preponderance of the evidence, it is a defense that the defendant:

(i) Did not commit the homicidal act or in any way solicit, request, command, importune, cause, or aid the commission thereof; and

(ii) Was not armed with a deadly weapon, or any instrument, article, or substance readily capable of causing death or serious physical injury; and

(iii) Had no reasonable grounds to believe that any other participant was armed with such a weapon, instrument, article, or substance; and

(iv) Had no reasonable grounds to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

(2) Murder in the second degree is a class A felony.

RCW 9A.32.050.

Since the California Manslaughter offense is committed if there is no aforementioned malice, which is akin to Washington's premeditation, the crime is comparable to the Washington State felony of Murder in the Second Degree offense and thus properly included in the offender score.

IV. CONCLUSION

Based upon the aforementioned rationale, the matter will need to be remanded back to the trial court for resentencing consistent with the Hindering Prosecution offense being removed from the defendant's offender score. The remaining out-of-state convictions were comparable to Washington felony offenses and thus properly included as points in the defendant's offender score.

RESPECTFULLY SUBMITTED this 27th day of July, 2015.

ANDY MILLER

Prosecutor

Andy J. Miller
Julie E. Long, Deputy
Bar No. 28276
Office ID 91004

For:
Julie E. Long

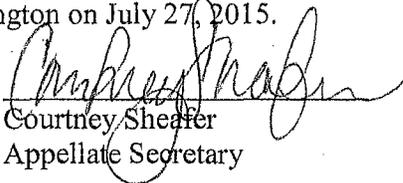
CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this day I served, in the manner indicated below, a true and correct copy of the foregoing document as follows:

Steven Louis Canha
#321815
Coyote Ridge Corrections Center
P.O. Box 769
Connell, WA 99326

U.S. Regular Mail, Postage
Prepaid

Signed at Kennewick, Washington on July 27, 2015.


Courtney Sheaffer
Appellate Secretary

APPENDIX A
FELONY JUDGMENT AND SENTENCE

JOSIE DELVIN
BENTON COUNTY CLERK

AUG = 7 2008

FILED

A:
10

SUPERIOR COURT OF WASHINGTON
COUNTY OF BENTON

JUDGMENT DOCKET
NO. 08-9-02031-0

STATE OF WASHINGTON

No. 07-1-01052-5

Plaintiff

FELONY JUDGMENT AND SENTENCE (FJS)

vs.

Prison

STEVEN LOUIS CANHA

CLERK'S ACTION REQUIRED:

Defendant

Restraining Order

Firearms rights revoked

Clerk's Action Required, para 4.1, 4.3, 5.6 and 5.8

SID:

DOB: 02/20/1966

BCSO #07-13749

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 July 30, 2008
by plea jury-verdict bench trial of:

COUNT	CRIME	RCW	DATE OF CRIME
1	ASSAULT IN THE SECOND DEGREE	RCW 9A.36.021(1)(c)	10/20/2007
2	ASSAULT IN THE SECOND DEGREE	RCW 9A.36.021(1)(c)	10/20/2007
3	UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE	RCW 9.41.040(1)(a)	10/20/2007
4	UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE	RCW 9.41.040(1)(a)	10/20/2007

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

FELONY JUDGMENT AND SENTENCE (FJS) (Prison)
(RCW 9.94A.500,.505)(WPF CR 84.0400 (6/2008))

(X) as charged in the Amended Information.

[] The court finds that the defendant is subject to indeterminate sentencing under RCW 9.94A.712.

The jury returned a special verdict or the court made a special finding with regard to the following:

- [X] The defendant used a firearm in the commission of the offense in Count(s) I and II. RCW 9.94A.602, 9.94A.533.
- [] The defendant used a deadly weapon other than a firearm in the commission of the offense in Count(s) _____ . RCW 9.94A.602, 9.94A.533.
- [] Count(s) _____, Violation of the Uniform Controlled Substances Act (VUCSA), RCW 69.50.401 and RCW 69.50.435, took place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of, a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- [] The defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, when a juvenile was present in or upon the premises of manufacture in Count(s) _____ . RCW 9.94A.605, RCW 69.50.401(a), RCW 69.50.440.
- [] Count _____ is a criminal street gang-related felony offense in which the defendant compensated, threatened, or solicited a minor in order to involve that minor in the commission of the offense. Laws of 2008, ch.276 § 302.
- [] Count _____ is the crime of unlawful possession of a firearm. The defendant was a criminal street gang member or associate when the defendant committed the crime. RCW 9.94A.545.
- [] The defendant committed [] vehicular homicide [] vehicular assault proximately caused by driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030
- [] Count _____ involves attempting to elude a police vehicle and during the commission of the crime, the defendant endangered one or more persons other than the defendant or the pursuing law enforcement officer. Laws of 2008, ch.219 § 2.
- [] Count _____ is a felony in the commission of which the defendant used a motor vehicle. RCW 46.20.285.
- [] The defendant has a chemical dependency that has contributed to the offense(s). RCW 9.94A.607.
- [] The crime charged in Count(s) _____ involve(s) domestic violence. RCW 10.99.020.
- [X] Counts I and II encompass the same criminal conduct and count 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:

CRIME	CAUSE NUMBER	COUNTY/STATE

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	Hindering Prosecution	January 6, 2005	Jackson County Circuit Court, Oregon	November 9, 2004	A	NV
2	Criminal Mischief in the First Degree	November 20, 2001	Klamath County Circuit Court, Oregon	July 22, 2001	A	NV
3	Felon in Possession of a Firearm	September 29, 2000	Jackson County Circuit Court, Oregon	August 4, 2000	A	NV
4	Manslaughter	August 5, 1991	California	October 18, 1990	A	SV
5						

- The defendant committed a current offense while on community placement/community custody (adds one point to score). RCW 9.94A.525
- The prior convictions listed as number(s) _____ above, the court finds that they are one offense for purposes of determining the offender score. RCW 9.94A.525.
- The prior convictions listed as number(s) _____ above, are not counted as points but as enhancements pursuant to RCW 46.61.520.

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUS -NESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS*	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
1	7	IV	43 to 57 months	Yes (Firearm)	79 to 93 months	10 years \$20,000
2	7	IV	43 to 57 months	Yes (Firearm)	79 to 93 months	10 years \$20,000
3	5	VII	41 to 54 months			10 years \$20,000
4	5	VII	41 to 54 months			10 years \$20,000

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, See RCW 46.61.520 (JP) Juvenile present, (SM) Sexual motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (CSG) criminal street gang involving minor, (AE) endangerment while attempting to elude.

For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are attached as follows: _____

2.4 EXCEPTIONAL SENTENCE. The court finds that 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 a 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 defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change.

The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753

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

The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.

III. JUDGMENT

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

3.2 The Court DISMISSES Counts _____ in the charging documents.

3.3 The Defendant is found NOT GUILTY of Counts _____ in the charging documents.

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court:

JASS CODE

RTN/RJN Restitution to:

TOTAL ORDERED: \$0

(Name and Address--address may be withheld and provided confidentially to Clerk's Office).

PCV	\$ <u>500</u>	Victim assessment	RCW 7.68.035
CRC	\$ <u>See Attached Cost Bill</u>	Court costs, including	RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190
		<i>(Transportation costs on FTA Warrants in this case will be assessed at the current legal rate. Other costs as assessed by the Clerk and set forth in the Cost Bill to be attached upon filing of this Judgment and Sentence. If FTA costs and fees are contested, a hearing must be requested at the time of sentencing.)</i>	
EXT	\$ _____	Extradition Costs	RCW 9.94A.120
FCM/MTH	\$500	Fine	RCW 9A.20.021;
		<input type="checkbox"/> VUCSA chapter 69.50 RCW, <input type="checkbox"/> VUCSA additional fine deferred due to indigency	
			RCW 69.50.430
CDF/LDI/PCD	\$ _____	Drug enforcement fund of _____	RCW 9.94A.760
CLF	\$ _____	Crime lab fee <input type="checkbox"/> suspended due to indigency	RCW 43.43.690
	\$ <u>100</u>	Felony DNA collection fee <input type="checkbox"/> not imposed due to hardship	RCW 43.43.7541
	\$ _____	Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum)	RCW 38.52.430
	\$ _____	Other costs for:	
	\$ _____	TOTAL	RCW 9.94A.760

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

[] is scheduled for _____

[] The defendant waives any right to be present at any restitution hearing (sign initials): _____

[] RESTITUTION. Schedule attached.

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

NAME CAUSE NUMBER

R/N

[] The Department of Corrections (DOC) or the clerk of the court may 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 and on a schedule established by the Department of Corrections, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ _____ per month commencing _____ RCW 9.94A.760

The defendant shall report to the Benton County Clerk, 7122 W. Okanogan, Kennewick, WA and provide financial information as requested. RCW 9.94A.760(7)(b).

[] The court orders the defendant to pay costs of incarceration at the rate of \$ _____ per day, (actual costs not to exceed \$100 per day). (JLR) RCW 9.94A.760.

The financial obligations imposed in this judgment shall bear interest from the date of the Judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

[X] The defendant shall pay up to \$50.00 per month to be taken from any income the defendant earns while in the custody of the Department of Corrections. This money is to be applied towards legal financial obligations. ESB 5990

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

[] HIV TESTING. The defendant shall submit to HIV testing. RCW 70.24.340

4.3 OTHER: _____

4.4 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):

<u>43 79</u>	(43+36)	Months on Count	<u>I</u>	<u>41</u>	months on Count	<u>IV</u>
<u>43 79</u>	(43+36)	Months on Count	<u>II</u>	_____	months on Count	_____
<u>41</u>		Months on Count	<u>III</u>	_____	months on Count	_____

[] The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____.

The confinement time on Count I & II includes 72 ^(36 + 36) months as enhancement for firearm deadly weapon VUCSA in a protected zone manufacture of methamphetamine with juvenile present.

Actual number of months of total confinement ordered is: 154 months

All counts shall be served concurrently, except for the portion of those counts for which there is an enhancement as set forth above at Section 2.3, and except for the following counts which shall be served consecutively:
COUNTS III AND IV

This sentence shall run consecutively with the sentence in cause number(s): _____
_____, but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589.

Confinement shall commence immediately unless otherwise set forth here: _____

- (b) 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: _____.
- (c) **Work Ethic Program.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic program. The court recommends that the defendant serve the sentence at a work ethic program. Upon completion of work ethic program, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions in Section 4.2. Violation of the conditions of community custody may result in a return to total confinement for remaining time of confinement.

4.5 COMMUNITY PLACEMENT or COMMUNITY CUSTODY (To determine which offenses are eligible for or required for community placement or community custody see RCW 9.94A.700, .705, and .715).

(A) The defendant shall be on community placement or 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 I for a range from 18 to 36 months;
Count II for a range from 18 to 36 months;
Count _____ for a range from _____ to _____ months;

(B) DOC shall supervise the defendant if DOC classified the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) The defendant committed a current or prior:		
i) sex offense	ii) violent offense	iii) crime against a person RCW 9.94A.411
iv) domestic violence offense RCW 10.99.020		v) residential burglary offense
vi) offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers		
vii) offense for deliver of a controlled substance to a minor; or attempt, solicitation or conspiracy (vi,vii)		
b) The conditions of community placement or community custody include chemical dependency treatment		
c) The defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745		

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at Department of Corrections-approved education, employment and/or community restitution; (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully 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 the Department of Corrections; (8) perform affirmative acts

necessary to monitor compliance with the orders of the court as required by the Department of Corrections; (9) for sex offenses, submit to electronic monitoring if imposed by DOC; (10) abide by any additional conditions imposed by DOC under RCW 9.94A.720. The defendant's residence location and living arrangements are subject to the prior approval of the Department of Corrections while in community placement or community custody. Community custody for sex offenders sentenced under RCW 9.94A.710 may be extended for up to the statutory maximum term of the sentence.

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

not consume any alcohol.

have no contact with: _____

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

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: _____

(C) For sentences imposed under RCW 9.94A.712, the Indeterminate Sentence Review Board may impose other conditions, including electronic monitoring if DOC so recommends. In an emergency, DOC may impose other conditions for a period not to exceed seven (7) 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.

4.6 **OFF-LIMITS ORDER.** (known drug trafficker). RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections.

V. NOTICES AND SIGNATURES

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

5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to ten years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

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

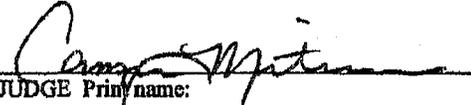
5.4 **COMMUNITY CUSTODY VIOLATION** (a) If you are subject to a first or second violation hearing and DOC finds that you committed the violation, you may receive as a sanction up to 60 days of confinement per violation. RCW 9.94A.634. (b) If you have not completed your maximum term of total confinement and you are subject to a third violation hearing and DOC finds that you committed the violation, DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. RCW 9.94A.737(2).

5.5 **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

5.6 **MOTOR VEHICLE:** If the court found in Section 2.1 that you used a motor vehicle in the commission of the offense, then the Department of Licensing will revoke your driver's license. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke your driver's license. RCW 46.20.285.

6.0 **OTHER:**

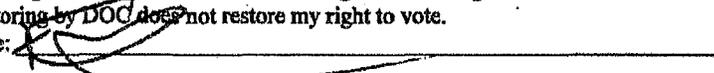
DONE in Open Court and in the presence of the defendant this date: 8-7-08


JUDGE Print name: _____

Deputy Prosecuting Attorney
OFC WSBA # 91004
Print name: JULIE E. LONG

Attorney for Defendant
WSBA #
Print name: SWABY

Defendant
Print name:
STEVEN LOUIS CANHA

VOTING RIGHTS STATEMENT: I acknowledge that I have lost my right to vote due to this felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660. Termination of monitoring by DOC does not restore my right to vote.
Defendant's signature: 

Translator signature/Print name: _____
I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the _____ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.

CAUSE NUMBER of this case: _____

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

WITNESS my hand and seal of the said Superior Court affixed this date: _____

Clerk of said County and State, by: _____, Deputy Clerk

IDENTIFICATION OF DEFENDANT

SID No: _____ Date of Birth: 02/20/1966
(If no SID take fingerprint card for State Patrol)

FBI No: _____ Local ID No: 8109145

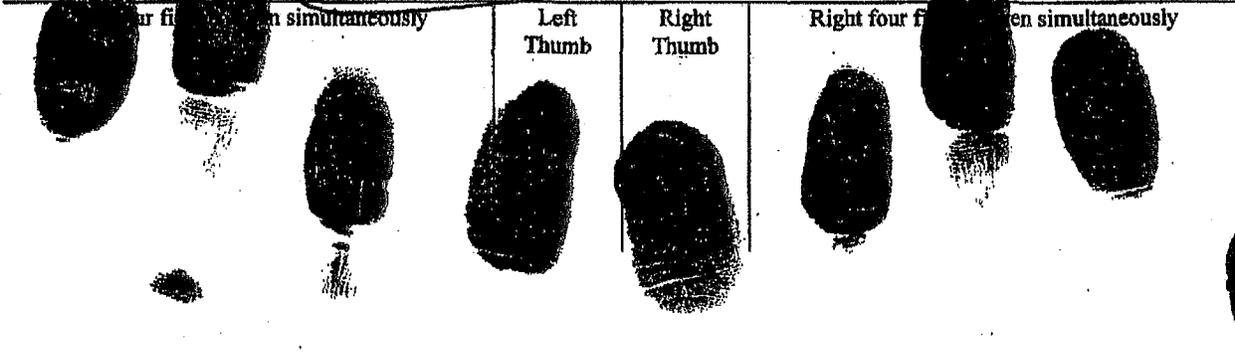
PCN No: _____ SS No: 565-35-6675

Alias name, SSN, DOB: _____ Other _____
Race: M Ethnicity: _____ Sex: W
 Hispanic
 Non-Hispanic

FINGERPRINTS I attest that I saw the same defendant who appeared in Court on this document affix his or her fingerprints

And signature thereto. Clerk of the Court: [Signature] Deputy Clerk/Bailiff: _____ Dated: 8-7-08

DEFENDANT'S _____



SUPERIOR COURT OF WASHINGTON FOR BENTON COUNTY

STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 vs.)
)
 STEVEN LOUIS CANHA,)
)
 Defendant.)

NO. 07-1-01052-5

COST BILL

The following court costs have been incurred by the county in the above-entitled matter and are owing:

		<u>ORD</u>	<u>ASS'D</u>
FILING FEE	\$ 200.00	X	
CLERK'S FEE FOR FTA WARRANTS	\$ _____		
_____ \$ _____	\$ _____		
_____ \$ _____	\$ _____		
SHERRIFF'S SERVICE FEE	\$ 600 ⁰⁰	X	
to 25.07 \$ 60 ⁰⁰	\$ _____		
_____ \$ _____	\$ _____		
JURY DEMAND FEE	\$ 250 ⁰⁰	X	
WITNESS FEES	\$ 166 ¹⁰	X	
ATTORNEY'S FEES	\$ 700 ⁰⁰	X	
SPECIAL COSTS REIMBURSEMENT	\$ 1516 ⁹⁸	X	
EXTRADITION COSTS	\$ _____		
TOTAL ORDERED AND/OR ASSESSED	\$ 2893 ⁰⁸		

LAJV 900⁰⁰
 LAJV 127.78
 LNV 487.20

DATED: Aug 7, 2008

**JOSIE DELVIN
 SUPERIOR COURT CLERK**

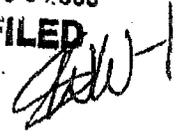
By: [Signature]
 Deputy

APPENDIX B
SPECIAL VERDICT FORMS FOR COUNTS I AND II

JOSIE DELVIN
BENTON COUNTY CLERK

JUL 30 2008

FILED



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

STATE OF WASHINGTON,

NO. 07-1-01052-5

Plaintiff,

vs.

SPECIAL VERDICT FORM

FIREARM

STEVEN LOUIS CANHA,

JUDGEMENT DOCKET
NO 089-02034-0

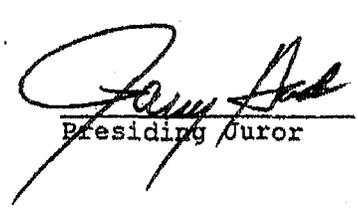
Defendant.

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

QUESTION: Was the defendant Steven Louis Canha armed with a
firearm, to-wit: a .22 caliber revolver, at the time
of the commission of the crime in Count I?

ANSWER: YES [Write "yes" or "no"]

DATE: July 30, 2008



Presiding Juror

JOSIE DELVIN
BENTON COUNTY CLERK

JUL 30 2008

FILED

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

STATE OF WASHINGTON,

NO. 07-1-01052-5

Plaintiff,

vs.

SPECIAL VERDICT FORM

FIREARM

STEVEN LOUIS CANHA,

JUDGEMENT DOCKET
NO. 089-020340

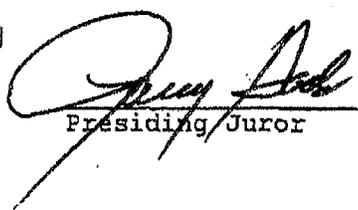
Defendant.

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

QUESTION: Was the defendant Steven Louis Canha armed with a
firearm, to-wit: a .38 caliber revolver, at the time
of the commission of the crime in Count II?

ANSWER: Yes [Write "yes" or "no"]

DATE: July 30, 2008


Presiding Juror

APPENDIX C

JACKSON COUNTY No. 04-5744-FE INDICTMENT

APPENDIX D

INFORMATION OF DISTRICT ATTORNEY, KLAMATH
COUNTY CASE No. 01-2147CR

KCSO 01-2302

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF KLAMATH

CLERK OF COURT

THE STATE OF OREGON,)
Plaintiff,)
Vs.)
CANHA, STEVEN LOUIS,)
Defendant.)

No. 01-2147CR
INFORMATION OF
DISTRICT ATTORNEY

The above defendant is accused by the District Attorney for the County of Klamath by this information of the following offense(s):

1
KIDNAPPING IN THE FIRST DEGREE
ORS 163.235*
CLASS A FELONY

The said defendant on or about the 22nd day of July 2001, in Klamath County, Oregon, did unlawfully or knowingly, without consent or legal authority, take JACKIE CANHA, from one place to another, with intent to interfere substantially with the said JACKIE CANHA'S personal liberty, and with the purpose of causing physical injury to JACKIE CANHA, said act of defendant being contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon.

2
KIDNAPPING IN THE SECOND DEGREE
ORS 163.235*
CLASS B FELONY

The said defendant on or about the 22nd day of July 2001, in Klamath County, Oregon, did unlawfully or knowingly, without consent or legal authority, take JACKIE CANHA, from one place to another, with intent to interfere substantially with the said JACKIE CANHA'S personal liberty, said act of defendant being contrary to the

statutes in such cases made and provided and against the peace and dignity of the State of Oregon.

Assault#3
ATTEMPTED ~~ASSAULT~~ IN THE FIRST DEGREE
ORS 163.185*
CLASS C FELONY

The said defendant on or about 7/22/01 in Klamath County, Oregon, did unlawfully and intentionally attempt to cause serious physical injury to JACKIE CANHA by striking the portable toilet with Jackie Canha in it with the vehicle he was driving, said act of defendant being contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon.

4
CRIMINAL MISCHIEF IN THE FIRST DEGREE
ORS 164.365*
CLASS C FELONY

The said defendant on or about 7/22/01 in Klamath County, Oregon, with intent to damage property, did unlawfully damage windows, in an amount exceeding five hundred dollars, the property of Jeff Polly, by breaking the windows, the said defendant having no right to do so nor reasonable ground to believe that defendant had such right, said act of defendant being contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon.

5
ASSAULT IN THE FOURTH DEGREE
ORS 163.160*
CLASS A MISDEMEANOR

The said defendant on or about 7/22/01 in Klamath County, Oregon, did unlawfully and intentionally cause physical injury to JACKIE CANHA by striking her, said

act of defendant being contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon.

6
ASSAULT IN THE FOURTH DEGREE
ORS 163.160*
CLASS A MISDEMEANOR

The said defendant on or about 7/22/01 in Klamath County, Oregon, did unlawfully and intentionally cause physical injury to JACKIE CANHA by striking her head against a vehicle, said act of defendant being contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon

7
MENACING
ORS 163.190*
CLASS A MISDEMEANOR

The said defendant on or about 7/22/01 in Klamath County, Oregon, did unlawfully and intentionally attempt to place JACKIE CANHA in fear of serious physical injury by threatening to break her neck while holding her in a chokehold, said act of defendant being contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon.

Dated at Klamath Falls, Klamath County, Oregon on the date of July 23, 2001.

EDWIN I. CALEB
DISTRICT ATTORNEY

By: *Karon Oakes*

APPENDIX E

RCW 9A.48.080 (2001)

(1) A person is guilty of malicious mischief in the first degree if he knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding one thousand five hundred dollars;

(b) Causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; or

(c) Causes an impairment of the safety, efficiency, or operation of an aircraft by physically damaging or tampering with the aircraft or aircraft equipment, fuel, lubricant, or parts.

(2) Malicious mischief in the first degree is a class B felony.

[1983 1st ex.s. c 4 § 1; 1975 1st ex.s. c 260 § 9A.48.070.]

Notes:

Severability--1983 1st ex.s. c 4: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 1st ex.s. c 4 § 6.]

RCW 9A.48.080 Malicious mischief in the second degree.

(1) A person is guilty of malicious mischief in the second degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding two hundred fifty dollars; or

(b) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.

(2) Malicious mischief in the second degree is a class C felony.

[1994 c 261 § 17; 1979 c 145 § 2; 1975 1st ex.s. c 260 § 9A.48.080.]

Notes:

Finding--Intent--1994 c 261: See note following RCW 16.52.011.
Action by owner of stolen livestock: RCW 4.24.320.

RCW 9A.48.090 Malicious mischief in the third degree.

(1) A person is guilty of malicious mischief in the third degree if he or she:

(a) Knowingly and maliciously causes physical damage to the property of another, under circumstances not amounting to malicious mischief in the first or second degree; or

(b) Writes, paints, or draws any inscription, figure, or mark of any type on any public or private building or other structure or any real or personal property owned by any other person unless the person has obtained the express permission of the owner or operator of the property,

APPENDIX F

DISTRICT ATTORNEY'S INFORMATION, CASE NO.
EPPD00-2242

RECEIVED
AND
FILED

AUG-7 11:23

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF JACKSON

STATE OF OREGON,)
)
 Plaintiff,)
 vs.)
 STEVEN LOUIS CANHA,)
 Defendant)

DISTRICT ATTORNEY'S
INFORMATION

ORS 166.270
CLASS C FELONY
CRIME CATEGORY 6

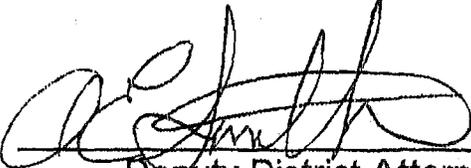
The above-named defendant, **STEVEN LOUIS CANHA**, is accused by this information of the offense of **FELON IN POSSESSION OF A FIREARM**, committed as follows:

The said defendant, on or about the 4th day of August, 2000, in Jackson County, Oregon, then and there being, having previously been convicted in California in August, 1991, of the felony of Voluntary Manslaughter, did unlawfully and knowingly have in defendant's possession a firearm, contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Oregon.

Dated August 7, 2000, at Medford, Jackson County, Oregon.

By signing this information, the District Attorney declares that all misdemeanor crimes herein shall proceed as misdemeanors unless otherwise declared on the record to be violations.

This instrument is a true and correct copy of the original on file.
ATTEST
Jackson County Circuit Court Admin.
State of Oregon
BY: _____



Deputy District Attorney

OFFICE OF THE DISTRICT ATTORNEY
CASE#EPPD00-2242/KL/ba
DOB: 2-20-66

APPENDIX G
STIPULATION

JOSIE DELVIN
BENTON COUNTY CLERK

JUL 30 2008

FILED

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

STATE OF WASHINGTON,

Plaintiff,

vs.

STEVEN LOUIS CANHA,

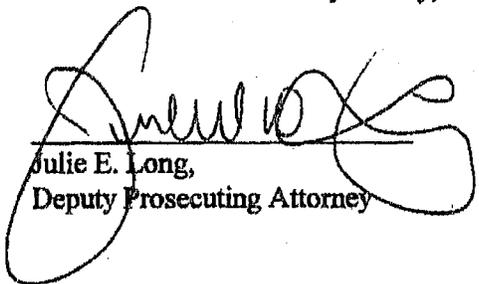
Defendant

NO. 07-1-01052-5

STIPULATION

The parties have stipulated that the defendant has previously been convicted of a serious offense.

Dated this 29th day of July, 2008.


Julie E. Long,
Deputy Prosecuting Attorney


Christopher Swaby,
Attorney for Defendant

APPENDIX H

LOS ANGELES COUNTY CASE NO. NA005106 FELONY
COMPLAINT

RECEIVED

JUL 06 2015

BENTON COUNTY PROSECUTOR

MUNICIPAL COURT OF LOS ANGELES JUDICIAL DISTRICT

COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff

Case No. NA005106

01 STEVEN LOUIS CANHA

FILED
DEC 17 1990

FRANK S. ZOLIN, COUNTY CLERK
BY D.E. ISHMAN, DEPUTY

Defendant(s)

FELONY COMPLAINT

The undersigned is informed and believes that:

COUNT 1

NO DIV
FILED
MUNICIPAL COURT
OCT 22 1990
LOS ANGELES JUDICIAL DIST.
EDWARD J. ... CLERK
By [Signature] DEPUTY

On and between October 17, 1990 and October 18, 1990, in the County of Los Angeles, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a Felony, was committed by STEVEN LOUIS CANHA, who did willfully, unlawfully, and with malice aforethought murder John Spaw, a human being. It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(1).

It is further alleged that in the commission and attempted commission of the above offense, the said defendant(s), STEVEN LOUIS CANHA, personally used a firearm(s) within the meaning of Penal Code Sections 1203.06(a)(1) and 12022.5 and also causing the above offense to become a serious felony pursuant to Penal Code Section 1192.7(c)(8).

[Faint rectangular stamp]

* * * * *

OCT 22 1990

RICHARD MOTZKUS, CSR

WILLIAM R. CHIDSEY, JR.
85
CUSTODY

E MATSUMOTO

on materials - All checks to
10/20/90 @ 8:30 A.M. On 85
Home cameras to All on record.

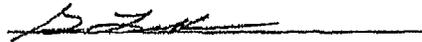
REMANDING ORDER ISSUED

BAIL SET BY	100,000-
-------------------	----------

RECEIVED FBI OCT 22 1990

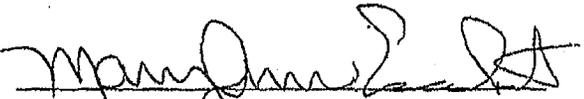
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER NA005106, CONSISTS OF 1 COUNT(S).

Executed at SAN PEDRO, County of Los Angeles, on October 22, 1990.



G. LEIKER
DECLARANT AND COMPLAINANT

.....
IRA REINER, DISTRICT ATTORNEY

BY: 
MARY ANN ESCALANTE, DEPUTY

AGENCY: LAPD SHB
DR NO: 90-0529284

I/O: LEIKER ID NO: 21579 PHONE NO: 213-2371310
OPERATOR: 1c PRELIM.TIME EST.: 30 Min.

<u>DEFENDANT</u>	<u>CII NO.</u>	<u>DOB</u>	<u>BOOKING NO.</u>	<u>BAIL RECOM'D</u>	<u>CUSTODY R'TN DATE</u>
CANHA, STEVEN LOUIS	A08260954	2/20/66	2243622	\$ 100,000	10/22/90

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

OCT 20 1990

85

NEW YORK COUNTY

SHARON CZULEGER

PD Evan Dickson

DEFENDANT WAIVES READING OF COMPLAINT AND STATEMENT OF RIGHTS. ENTERS A PLEA OF NOT GUILTY. CASE SET FOR PRELIM. HEARING ON

11-14-90
TIME 9 DIV 85 BAIL 100,000

REMANDING ORDER ISSUED

BAIL	
SET	100,000-
AT:	

(RECORDED) FILED 23 OCT 20 1990

FELONY COMPLAINT - ORDER HOLDING TO ANSWER - P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

STEVEN LOUIS CANHA

<u>Count</u>	<u>Charge</u>	<u>Charge</u>	<u>Special</u>	<u>Alleg.</u>
<u>No.</u>	<u>Range</u>	<u>Range</u>	<u>Allegation</u>	<u>Effect</u>
1	PC187(a)	Check Code	PC12022.5(a)\1203.	+2YRS,MSP*

I order that defendant(s) be held to answer therefor and be admitted to bail in the sum of:

STEVEN LOUIS CANHA

100,000 - Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

STEVEN LOUIS CANHA

DEC 26 1990

~~12-28-90~~

in Dept. ~~54~~

at: 900 A.M.

~~12-11-90~~

So. - M

Date: ~~12-11-90~~

~~11-29-90~~

~~DEC 6 1990~~

12-11-90

Committing Magistrate

WILLIAM R. CHIDSEY, JR.

DIV. 85

I certify that this is a true and correct copy
of the original COMPLAINT on
file in this office



JUN 26 2015

SHERRI R. CARTER, Executive Officer/Clerk of
the Superior Court of California County of Los Angeles

By: [Signature] Deputy

H. MARTINEZ

APPENDIX I

ABSTRACT OF JUDGMENT – PRISON COMMITMENT, LOS
ANGELES COUNTY CASE No. NA005106

**ABSTRACT OF JUDGMENT - PRISON COMMITMENT
SINGLE OR CONCURRENT COUNT FORM**

FORM DSL 290.1

(Not to be used for Multiple Count Convictions nor Consecutive Sentences)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
BRANCH LONG BEACH

COURT I.D.
190008

CASE NUMBER

PEOPLE OF THE STATE OF CALIFORNIA versus
DEFENDANT: CANHA STEVEN LOUIS
AKA:

PRESENT
 NOT PRESENT

NA005106

COMMITMENT TO STATE PRISON
ABSTRACT OF JUDGMENT

AMENDED
ABSTRACT

DATE OF HEARING (MO) (DAY) (YR) 8-5-91 DEPT. NO. SO 1 JUDGE RICHARD ROMERO CLERK L FATONE
REPORTER C MC NEIL COUNSEL FOR PEOPLE K LAMB COUNSEL FOR DEFENDANT T ALTHAUS DPD PROBATION NO. OR PROBATION OFFICER

1. DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONY (OR ALTERNATE FELONY/MISDEMEANOR):

COUNT	CODE	SECTION NUMBER	CRIME	YEARS CONVICTED	DATE OF CONVICTION			CONVICTED BY				TIME IMPOSED	
					MO	DAY	YEAR	JURY TRIAL	COURT TRIAL	PIA	HEAR (P, X, U)	YEARS	MONTHS
<u>1</u>	<u>PC</u>	<u>192(A)</u>	<u>VOL MANSLAUGHTER</u>	<u>90</u>	<u>08</u>	<u>05</u>	<u>91</u>			<u>X</u>	<u>U</u>	<u>11</u>	<u>0</u>

2. ENHANCEMENTS charged and found true TIED TO SPECIFIC COUNTS (mainly in the § 12022-series) including WEAPONS, INJURY, LARGE AMOUNTS OF CONTROLLED SUBSTANCES, BAIL STATUS, ETC.:
For each count list enhancements horizontally. Enter time imposed for each or 'S' for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1305.
Add up time for enhancements on each line and enter line total in right-hand column.

Count	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Total
<u>1</u>	<u>12022.5(A)(1)</u>	<u>5</u>									<u>5</u> <u>0</u>

3. ENHANCEMENTS charged and found true FOR PRIOR CONVICTIONS OR PRIOR PRISON TERMS (mainly § 667-series) and OTHER.

List all enhancements based on prior convictions or prior prison terms charged and found true, if 2 or more under the same section, repeat it for each enhancement (e.g., if 2 non-violent prior prison terms under § 667.5(b) list § 667.5(b) 2 times). Enter time imposed for each or 'S' for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add time for those enhancements and enter total in right-hand column. Also enter here any other enhancement not provided for in space 2.

Enhancement	Yrs or 'S'	Total								

4. OTHER ORDERS:

5. TIME STAYED § 1170.1(b) (DOUBLE BASE LIMIT):

6. TOTAL TERM IMPOSED: 16 0

7. THIS SENTENCE IS TO RUN CONCURRENT WITH ANY PRIOR UNCOMPLETED SENTENCE(S):

8. EXECUTION OF SENTENCE IMPOSED:

A. AT INITIAL SENTENCING HEARING B. AT RESENTENCING PURSUANT TO DECISION ON APPEAL C. AFTER REVOCATION OF PROBATION D. AT RESENTENCING PURSUANT TO RECALL OF COMMITMENT (PO § 1170(d)) E. OTHER

9. DATE OF SENTENCE PRONOUNCED (MO) (DAY) (YR) 8-5-91 CREDIT FOR TIME SPENT IN CUSTODY 439 TOTAL DAYS INCLUDING: ACTUAL LOCAL TIME 293 LOCAL CONDUCT CREDITS 146 STATE INSTITUTIONS DMH ODO

10. DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF, TO BE DELIVERED:

FORTHWITH INTO THE CUSTODY OF THE DIRECTOR OF CORRECTIONS AT THE RECEPTION-GUIDANCE CENTER LOCATED AT:
 AFTER 48 HOURS, EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS

CALIF. INSTITUTION FOR WOMEN - FRONTERA CALIF. MEDICAL FACILITY - VACAVILLE CALIF. INSTITUTION FOR MEN - CHINO DEUEL VOO, INST.
 SAN QUENTIN OTHER (SPECIFY):

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE *Nauska Khan*

DATE 8-8-91

This form is prescribed under Penal Code § 1213.5 to satisfy the requirements of § 1213 for determinate sentences under Penal Code § 1170. Attachments may be used but must be referred to in this document.

**ABSTRACT OF JUDGMENT - COMMITMENT
SINGLE OR CONCURRENT COUNT FORM**
(Not to be used for Multiple Count Convictions nor Consecutive Sentences)
FORM DSL 290.1

Form Adopted by the
Judicial Council of California
Effective April 1, 1980

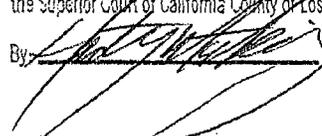
DISTRIBUTION: PINK COPY - COURT FILE YELLOW COPY - DEPARTMENT OF CORRECTIONS WHITE COPY - ADMINISTRATIVE OFFICE OF THE COURTS

I certify that this is a true and correct copy
of the original ABSTRACT OF on
file in this office JUDGMENT



JUN 26 2015

SHERRI R. CARTER, Executive Officer/Clerk of
the Superior Court of California County of Los Angeles

By:  Deputy

H. MARTINEZ

Date 8-5-91
HONORABLE: *Richard Komero*
P. McVey

JUDGE *L. Fatore*
Deputy Sheriff *C. McNeill*

DEPT. *SOL FOR SOL*
Deputy Clerk Reporter

CASE NO. *NA005706* (Parties and counsel checked if present)

PEOPLE OF THE STATE OF CALIFORNIA
VS
OICANHA STEVEN LOUIS
(BOX CHECKED IF ORDER APPLICABLE) *187A OICT*

Counsel for People: *K Lamb*
DEPUTY DISTRICT ATTY: *K Lamb*

Counsel for Defendant: *T Althaus PD*

NATURE OF PROCEEDINGS

- 31 IS SWORN AS THE ENGLISH/ _____ INTERPRETER.
- 32 OATH FILED PER SECTION 68560 GOVERNMENT CODE.
- 33 DUE TO CONFLICT OF INTEREST, PUBLIC DEFENDER RELIEVED, PURSUANT TO SECTION 987.2 PENAL CODE/31000 GOVERNMENT CODE ALTERNATE DEFENSE COUNSEL _____ IS APPOINTED.
- 34 ON PEOPLE'S MOTION, AMENDMENT TO/AMENDED INFORMATION FILED/DEEMED FILED/INFORMATION AMENDED BY INTERLINEATION/AS FOLLOWS _____
- 35 ON _____ MOTION, CASE A _____ CONSOLIDATED INTO CASE A _____ AS COUNT(S) _____ THEREOF, SEE CASE A _____ FOR FURTHER PROCEEDINGS.
- 36 MOTION PURSUANT TO SECTION 996 PENAL CODE GRANTED/DENIED/WITHDRAWN/CONTINUED TO _____
- 37 MOTION PURSUANT TO SECTION 1538.5 PENAL CODE CALLED FOR HEARING MOTION SUBMITTED PER STIPULATION 41 BELOW.
- 38 DEFENDANT ADVISED OF CONSTITUTIONAL RIGHTS AND EFFECT OF PRIOR CONVICTIONS: WAIVES RIGHTS; ADMITS PRIOR(S) NO _____
- 39 CAUSE IS CALLED FOR TRIAL. CAUSE SUBMITTED PER STIPULATION 41 BELOW.
- 40 DEFENDANT PERSONALLY AND ALL COUNSEL WAIVE TRIAL BY JURY *BY COURT* COURT ACCEPTS WAIVER(S).
- 41 By stipulation of defendant and all counsel issue is submitted on the testimony contained in the transcript of the proceedings had at the preliminary hearing, subject to this court's rulings, with each side reserving the right to offer additional evidence and all stipulations entered into at the preliminary hearing be deemed entered into in these proceedings. It is further stipulated that all exhibits received or marked for identification at the preliminary hearing are received in evidence and marked for identification in these proceedings, bearing the same number as used in the preliminary hearing, subject to this court's rulings. People's exhibit _____ (Preliminary Transcript) admitted into evidence by reference.
- 42 Defendant advised and personally waives his right to confrontation of witnesses for the purpose of further cross-examination, and waives privilege against self-incrimination. Defendant advised of possible effects of plea on any alien/felony/probation/parole status.
- 43 THE COURT STATES IT HAS READ AND CONSIDERED THE TRANSCRIPT OF THE PRELIMINARY HEARING.
- 44 *Admitted from 8-26-91 and trial date vacated.*
- 45 ALL SIDES REST. COUNSEL WAIVE ARGUMENT/ARGUE AND CAUSE IS SUBMITTED.
- 46 MOTION PURSUANT TO SECTION 1538.5 PENAL CODE GRANTED/DENIED/WITHDRAWN/CONTINUED TO _____
- 47 COURT FINDS DEFENDANT NOT GUILTY.
- 48 COURT FINDS DEFENDANT GUILTY AS CHARGED TO SECTION(S) _____ LESSER INCLUDED/RELATED OFFENSE.
- 49 PRE-TRIAL CONFERENCE/TRIAL SETTING HELD/OFF CALENDAR/CONTINUED TO _____
- 50 THE DEFENDANT THE PEOPLE ANNOUNCE(S) READY FOR TRIAL.
- 51 ON PEOPLE'S/DEFENDANT'S/COURT'S MOTION, TRIAL/MOTION(S) IS SET/CONTINUED TO/REMAINS/TRAILED TO _____ AT _____ A.M. IN DEPT. _____ REASON: _____
- 52 FURTHER CONTINUANCES WILL NOT BE GRANTED.
- 53 DEFENDANT PERSONALLY AND ALL COUNSEL WAIVE TIME FOR TRIAL. PLUS _____ DAYS
- 54 CAUSE TRANSFERRED TO DEPT. _____ FORTHWITH ON _____ AT _____ A.M. FOR _____
- 55 DEFENDANT/WITNESS(ES) ORDERED TO RETURN ON ABOVE DATE.
- 56 DEFENDANT PERSONALLY WITHDRAWS PLEA OF NOT GUILTY TO COUNT(S) *ONE* REARRAIGNED.
- 57 PLEADS GUILTY/NO CONTESTED WITH CONSENT OF DISTRICT ATTORNEY AND APPROVAL OF COURT TO VIOLATION OF SECTION(S) *142(a) Penal Code admits 12022.5(a)(1) 1203.0(a)(1) PC* IN COUNT(S) *ONE* LESSER INCLUDED/RELATED OFFENSE.
- 58 DEFENDANT REFERRED TO PROBATION DEPARTMENT. DEFENDANT WAIVES TIME FOR SENTENCE. PROBATION AND SENTENCE HEARING SET *8-19-91* A.M. IN DEPARTMENT *20M* INCLUDING DISPOSITION OF COUNT(S) _____ REMAINING DETERMINATION OF PRIORS ALLEGED/DEGREE/ARMED/USE/GREAT BODILY-INJURY ALLEGATION(S)
- 59 DEFENDANT WAIVES PROBATION REFERRAL. REQUESTS IMMEDIATE SENTENCE. (SEE SENTENCE BELOW/SEE ATTACHED SHEET.)
- 60 FURTHER ORDER AS FOLLOWS: *PROBATION DENIED STATE PRISON HIGH TERM 11 YEARS PLUS HIGH TERM 5 YEARS 12022.5(a)(1) PC TOTAL 16 YEARS. CREDITS GRANTED 293 ACTUAL DAYS PLUS 146 DAYS GOOD TIME TOTAL 439 DAYS*
- 61 THE SHERIFF IS ORDERED TO ALLOW THE DEFENDANT _____ TELEPHONE CALLS AT DEFENDANT'S OWN EXPENSE.
- 62 DEFENDANT FAILS TO APPEAR WITH/WITHOUT SUFFICIENT EXCUSE.
- 63 BAIL, IF POSTED, FORFEITED/O.R. REVOKED. BENCH WARRANT ORDERED ISSUED/REISSUED/AND HELD UNTIL _____
- 64 NO BAIL BAIL FIXED AT \$ _____ () WARRANT FILED
- 65 DEFENDANT APPEARING. BENCH WARRANT ORDERED RECALLED/QUASHED () RECALL NO. _____ WRITTEN () ABSTRACT FILED
- 66 UPON PAYMENT OF \$ _____ COSTS BEFORE _____ AND FILING OF REASSUMPTION, ORDER OF _____ FORFEITING BAIL IS TO BE VACATED AND BAIL REINSTATED.
- 67 REASSUMPTION FILED/COSTS PAID (RECEIPT NO. _____) ORDER OF _____ FORFEITING BAIL VACATED. BAIL REINSTATED.
- 68 DEFENDANT'S MOTION FOR RELEASE ON O.R./REDUCTION OF BAIL IS GRANTED/DENIED/SET/CONTINUED TO/ _____ REASON: _____
- 69 BAIL RESET AT \$ _____
- REMANDED BAIL BAIL EXONERATED BOND NO. _____
- RELEASED O.R. O.R. DISCHARGED IN CUSTODY OTHER MATTER MINUTES ENTERED *2:07*

I certify that this is a true and correct copy
of the original MINUTE ORDER on
file in this office



JUN 26 2015

SHERRI R. CARTER, Executive Officer/Clerk of
the Superior Court of California County of Los Angeles

By: [Signature], Deputy

H. MARTINEZ

APPENDIX J

TRANSCRIPT OF 08/05/1991 GUILTY PLEA AND STATE
PRISON HEARING IN LOS ANGELES SUPERIOR COURT CASE
No. NA005106

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FILED

NOV 20 1991

JAMES H. DEMPSEY, COUNTY CLERK
A. Harris
BY A. HARRIS, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. SO "L" HON. RICHARD R. ROMERO, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)	
)	
PLAINTIFF,)	
)	
VS.)	NO. NA 005106
)	GUILTY PLEA AND
)	STATE PRISON
STEVEN CANHA,)	
)	
DEFENDANT.)	

LONG BEACH, CALIFORNIA; MONDAY, AUGUST 5, 1991; 9:10 A.M.

UPON THE ABOVE DATE, THE DEFENDANT BEING PRESENT IN COURT WITH COUNSEL, TOM ALTHAUS, DEPUTY PUBLIC DEFENDER OF LOS ANGELES COUNTY; THE PEOPLE BEING REPRESENTED BY KEN LAMB, DEPUTY DISTRICT ATTORNEY OF LOS ANGELES COUNTY, THE FOLLOWING PROCEEDINGS WERE HELD:

(CAROL A. MC NEIL, OFFICIAL REPORTER.)

THE COURT: STEVEN CANHA.

MR. ALTHAUS: REPRESENTED BY TOM ALTHAUS.

HE'S PRESENT IN COURT, YOUR HONOR.

1 THE COURT: WHICH IS HE?

2 MR. ALTHAUS: RIGHT THERE.

3 THE COURT: AND MR. LAMB FOR THE PROSECUTION.

4 GO AHEAD.

5 MR. LAMB: IT'S MY UNDERSTANDING, YOUR HONOR, THAT AT
6 THIS TIME MR. CANHA IS GOING TO ENTER A PLEA TO A LESSER
7 INCLUDED OFFENSE TO COUNT I. THAT LESSER INCLUDED OFFENSE
8 WOULD BE VIOLATION OF PENAL CODE SECTION 192A COMMONLY
9 REFERRED TO AS VOLUNTARY MANSLAUGHTER.

10 IN ADDITION TO THAT, THERE WILL BE A PLEA TO THE
11 USE OF A FIREARM WITH AN UNDERSTANDING THAT THE SENTENCE WILL
12 BE 16 YEARS STATE PRISON.

13 THE PEOPLE'S REASONING FOR THIS SENTENCING ON
14 THIS MURDER CASE IS THAT APPARENTLY THERE WAS A LOT OF
15 CONTACT BETWEEN VICTIM AND THE DEFENDANT AND THAT THIS
16 APPEARS TO BE A HOMICIDE THAT TOOK PLACE DURING A SUDDEN
17 QUARREL.

18 THE COURT: THE BREADDOWN AGAIN IS 192A?

19 MR. LAMB: CORRECT, AND THAT WOULD BE FOR HIGH TERM FOR
20 11 YEARS, AND THEN ON 12022.5, IT WILL BE FOR THE HIGH TERM
21 OF FIVE YEARS.

22 THE COURT: VERY WELL.

23 PROCEED.

24 MR. LAMB: MR. CANHA, WHERE ARE YOU?

25 HAVE YOU TALKED OVER THIS MATTER WITH YOUR
26 ATTORNEY?

27 THE DEFENDANT: YES, I HAVE.

28 MR. LAMB: AND YOU UNDERSTAND THAT THE CHARGE YOU'RE

1 PLEADING TO IS CALLED VOLUNTARY MANSLAUGHTER. IT'S A LESSER
2 INCLUDED OFFENSE TO COUNT I.

3 THE MAXIMUM SENTENCE YOU COULD RECEIVE ON THAT
4 CHARGE IS 16 YEARS.

5 DO YOU UNDERSTAND THAT IS THE SENTENCE YOU'RE
6 GOING TO RECEIVE?

7 THE DEFENDANT: YES, I DO.

8 MR. LAMB: AND ONCE YOU'RE RELEASED FROM STATE PRISON,
9 YOU'D BE PLACED ON PAROLE AND THERE WILL BE TERMS AND
10 CONDITIONS OF PAROLE YOU'D HAVE TO FOLLOW.

11 IF YOU VIOLATE ANY OF THE TERMS OR CONDITION OF
12 PAROLE, YOU COULD BE SENTENCED BACK TO STATE PRISON FOR ONE
13 YEAR FOR EACH VIOLATION.

14 DO YOU UNDERSTAND THAT?

15 THE DEFENDANT: YES, I DO.

16 MR. LAMB: IN ORDER TO ENTER THIS PLEA, YOU HAVE TO
17 GIVE UP CERTAIN CONSTITUTIONAL RIGHTS.

18 YOU HAVE A RIGHT TO A SPEEDY AND PUBLIC TRIAL.

19 DO YOU UNDERSTAND WHAT THAT MEANS?

20 THE DEFENDANT: YES, I DO.

21 MR. LAMB: DO YOU WAIVE AND GIVE UP THOSE RIGHTS?

22 THE DEFENDANT: YES.

23 MR. LAMB: YOU ALSO HAVE A RIGHT TO A TRIAL BY JURY.

24 DO YOU UNDERSTAND WHAT THAT MEANS?

25 THE DEFENDANT: YES, I DO.

26 MR. LAMB: AND DO YOU WAIVE AND GIVE UP THAT RIGHT?

27 THE DEFENDANT: YES, I DO.

28 MR. LAMB: COUNSEL JOIN?

1 MR. ALTHAUS: I DO.

2 MR. LAMB: IF THERE WAS A TRIAL IN THIS MATTER, YOU
3 HAVE A RIGHT TO CALL WITNESSES, CROSS-EXAMINE WITNESSES, USE
4 THE COURT'S POWERS TO SUBPOENA WITNESSES.

5 SINCE THERE WILL BE NO TRIAL, THOSE RIGHTS ARE
6 NOT AVAILABLE TO YOU, THEREFORE, YOU MUST WAIVE AND GIVE UP
7 THOSE RIGHTS.

8 DO YOU UNDERSTAND THOSE RIGHTS?

9 THE DEFENDANT: YES.

10 MR. LAMB: AND DO YOU WAIVE AND GIVE UP THOSE RIGHTS?

11 THE DEFENDANT: YES, I DO.

12 MR. LAMB: YOU ALSO HAVE A RIGHT NOT TO MAKE ANY
13 STATEMENTS AGAINST YOUR OWN INTEREST.

14 IN ENTERING A PLEA OF GUILTY, YOU'RE IN FACT
15 MAKING A STATEMENT AGAINST YOUR INTEREST, THEREFORE, YOU MUST
16 WAIVE AND GIVE UP THE RIGHTS OF SELF-INCRIMINATION COMMONLY
17 REFERRED TO AS YOUR RIGHT TO REMAIN SILENT.

18 DO YOU UNDERSTAND THAT?

19 THE DEFENDANT: YES, DO I.

20 MR. LAMB: AND DO YOU GIVE THAT RIGHT?

21 THE DEFENDANT: YES.

22 MR. LAMB: I DON'T KNOW ANY OTHER CASES THAT YOU'RE ON
23 PROBATION OR PAROLE FOR. IF YOU ARE, YOUR PLEA OF GUILTY
24 COULD BE A VIOLATION OF THAT PROBATION OR PAROLE.

25 I ALSO DO NOT KNOW WHETHER OR NOT YOU'RE A
26 CITIZEN OF THE UNITED STATES. IF YOU'RE NOT, YOUR PLEA OF
27 GUILTY COULD CAUSE YOU PROBLEMS STAYING IN THE UNITED STATES.

28 DO YOU UNDERSTAND WHAT I'VE JUST EXPLAINED TO

1 YOU?

2 THE DEFENDANT: YES.

3 MR. LAMB: IN ADDITION TO THE SENTENCE YOU RECEIVE IN
4 THIS CASE, THERE MAY BE SOME SORT FINE PLACED ON YOU. THAT
5 FINE WOULD NOT EXCEED TEN THOUSAND DOLLARS.

6 DO YOU UNDERSTAND THAT?

7 THE DEFENDANT: YES.

8 MR. LAMB: ARE YOU ENTERING THIS PLEA FREELY AND
9 VOLUNTARILY?

10 THE DEFENDANT: YES.

11 MR. LAMB: ANY OTHER PROMISES BEEN MADE TO YOU OTHER
12 THAN WHAT I'VE STATED TO YOU IN OPEN COURT?

13 THE DEFENDANT: NO.

14 MR. LAMB: ANYBODY THREATEN YOU IN ANY WAY IN ORDER TO
15 GET YOU TO ENTER THIS PLEA?

16 THE DEFENDANT: NO.

17 MR. LAMB: COUNSEL, BASED ON ALL THE INFORMATION YOU
18 HAVE, YOU STIPULATE THERE IS A FACTUAL BASIS FOR THE PLEA?

19 MR. ALTHAUS: YES.

20 MR. LAMB: MR. CANHA, IN CASE NUMBER NA 005106 YOU'RE
21 CHARGED AS A LESSER INCLUDED OFFENSE TO COUNT I WITH A
22 VIOLATION OF PENAL CODE SECTION 192(A), COMMONLY REFERRED TO
23 AS VOLUNTARY MANSLAUGHTER.

24 HOW DO YOU PLEAD TO THAT CHARGE?

25 THE DEFENDANT: GUILTY.

26 MR. LAMB: IT'S ALSO ALLEGED UNDER PENAL CODE SECTION
27 12022.5 THAT DURING THE COMMISSION OF THIS CRIME, YOU
28 PERSONALLY USED A FIREARM.

1 DO YOU ADMIT THAT ALLEGATION?
2 THE DEFENDANT: YES, I DO.
3 MR. LAMB: COUNSEL JOIN IN THE WAIVERS, CONCUR IN THE
4 PLEA?
5 MR. ALTHAUS: I DO.
6 MR. LAMB: THANK YOU. .
7 THE COURT: COURT FINDS THAT THE DEFENDANT, MR. CANHA,
8 UNDERSTANDS AND FREELY WAIVES HIS CONSTITUTIONAL RIGHTS,
9 PARTICULARLY, HIS RIGHTS AGAINST SELF-INCRIMINATION AND OF
10 CONFRONTATION AND JURY TRIAL.
11 HE UNDERSTANDS THE NATURE OF THE CRIME CHARGED
12 AND THE SPECIAL ALLEGATION AND THE CONSEQUENCES OF THE PLEA
13 AND ADMISSIONS WHICH ARE FREE AND VOLUNTARY WITH A FACTUAL
14 BASIS.
15 COURT ACCEPTS THEM. THE DEFENDANT STANDS
16 CONVICTED ON THEM.
17 MR. ALTHAUS: I WOULD ASK FOR IMMEDIATE SENTENCING,
18 YOUR HONOR.
19 I HAVE 293 ACTUAL DAYS IN CUSTODY, 146 GOOD
20 TIME/WORK TIME DAYS.
21 THE COURT: 29?
22 MR. ALTHAUS: 3. TOTAL OF 439.
23 THE COURT: MR. CANHA, YOU HAVE A RIGHT TO DELAY YOUR
24 SENTENCING FOR SIX HOURS AND TO HAVE A REPORT PREPARED BY THE
25 PROBATION OFFICE BEFORE YOU ARE SENTENCED.
26 DO YOU UNDERSTAND AND GIVE UP THOSE RIGHTS?
27 THE DEFENDANT: YES. YES, I GIVE THEM UP.
28 THE COURT: COUNSEL WAIVE FORMAL ARRAIGNMENT FOR

1 JUDGMENT AND SENTENCING?

2 MR. ALTHAUS: YES.

3 THE COURT: NO LEGAL CAUSE?

4 MR. ALTHAUS: NO.

5 THE COURT: DO YOU JOIN IN THAT?

6 MR. ALTHAUS: I DO.

7 THE COURT: PURSUANT TO THE AGREED THEN ON COUNT I OF
8 THE LESSER INCLUDED CHARGE OF PENAL CODE SECTION 192A, IT'S
9 THE JUDGMENT OF THE COURT PROBATION IS DENIED.

10 YOU'RE SENTENCED TO STATE PRISON FOR THE HIGH
11 TERM, 11 YEARS, PLUS A HUNDRED DOLLAR RESTITUTION FINE PLUS
12 AND AN ADDITIONAL FIVE YEARS HIGH TERM ON THE PERSONAL USE
13 ALLEGATION UNDER PENAL CODE SECTION 12022.5A.

14 SO THE TOTAL PRISON SENTENCE IS 16 YEARS.

15 YOU HAVE CREDIT, SIR, FOR 439 DAYS YOU SERVED
16 ALREADY, 293 ACTUAL, 146 GOOD TIME/WORK TIME DAYS.

17 YOU ARE ORDERED COMMITTED TO STATE PRISON
18 FORTHWITH.

19 WE WILL HAVE A REPORT PREPARED BY THE PROBATION
20 OFFICE FOR NONAPPEARANCE. YOU WON'T BE BROUGHT BACK FOR
21 THIS. THAT WILL BE ON AUGUST 19TH.

22 THANK YOU, SIR.

23

24

(PROCEEDINGS CONCLUDED.)

25

26

27

28

I certify that this is a true and correct copy
of the original Guilty Plea on
file in this office and State Prison Transcript



JUL 02 2015

SHERRI R. CARTER, Executive Officer/Clerk of
the Superior Court of California County of Los Angeles

By: J. Kaye, Deputy
J. Kaye

BENTON COUNTY PROSECUTOR

July 27, 2015 - 3:37 PM

Transmittal Letter

Document Uploaded: 320022-32002-2 In re Steven Louis Canha - Response to Personal Restraint Petition.pdf

Case Name: In the Matter of the Personal Restraint of Steven Louis Canha

Court of Appeals Case Number: 32002-2

Party Represented: Respondent

Is This a Personal Restraint Petition? Yes No

Trial Court County: Benton - Superior Court # 07-1-01052-5

Type of Document being Filed:

- Designation of Clerk's Papers
- Statement of Arrangements
- Motion: _____
- Response/Reply to Motion: _____
- Brief
- Statement of Additional Authorities
- Affidavit of Attorney Fees
- Cost Bill
- Objection to Cost Bill
- Affidavit
- Letter
- Electronic 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.

Sender Name: Courtney S Sheaffer - Email: prosecuting@co.benton.wa.us