No. 94591-8

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

IN RE THE PERSONAL RESTRAINT PETITION OF: WILLIAM CRAIG SCHORR, Petitioner.	NO. 49853-7-II STATE'S RESPONSE TO PERSONAL RESTRAINT PETITION

A. ISSUES PERTAINING TO PERSONAL RESTRAINT PETITION:

1. Must the petition be dismissed as petitioner knowingly, intelligently and voluntarily waived his right to appeal or collaterally attack his judgment and sentence as part of his plea agreement and the doctrine of invited error precludes review of this issue?

B. STATUS OF PETITIONER:

Petitioner, WILLIAM CRAIG SCHORR, is restrained pursuant to a Judgment and Sentence entered in Pierce County Cause No.04-1-01018-9. Appendix A (Judgment and Sentence). Petitioner pleaded guilty to first degree murder (count I), first degree robbery (count III), second degree arson (count IV) and first degree theft (count V). Appendix B (Statement of Defendant on Plea of Guilty). On August 21, 2006, petitioner was sentenced to 291 months on count I with two 60 month firearm sentencing enhancements on counts I

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and III to be served consecutively for a total term of confinement of 411 months. Appendix A. He did not appeal and this appears to be his first personal restraint petition. The State has no information to dispute his claim of indigency.

C. ARGUMENT:

1. THE PETITION SHOULD BE DISMISSED BECAUSE PETITIONER KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY WAIVED HIS RIGHT TO APPEAL OR COLLATERALLY ATTACK HIS JUDGMENT AND SENTENCE PURSUANT TO A VALID PLEA AGREEMENT WITH THE STATE AND THE DOCTRINE OF INVITED ERROR PRECLUDES REVIEW OF THE ISSUE.

The Washington Constitution grants a right of appeal to all criminal defendants. Const. art. I, § 22. However, a defendant may waive this right if it is done so knowingly, voluntarily and intelligently, and with a full understanding of the consequences. ***State v. Perkins***, 108 Wn.2d 212, 215, 737 P.2d 250 (1987). Waiver is the intentional relinquishment or abandonment of a known right or privilege. ***State v. Sweet***, 90 Wn.2d 282, 286, 581 P.2d 579 (1978). The law is clear that a defendant can waive his or her right of appeal in exchange for the dismissal of certain charges or a favorable sentencing recommendation by the prosecutor, or both. ***State v. Perkins***, 108 Wn.2d 212, 215, 737 P.2d 250 (1987); *Accord* ***State v. Lee***, 132 Wn.2d 498, 505-06, 939 P.2d 1223 (1997).

Washington State recognizes a strong public interest in "enforcing the terms of plea agreements which are voluntarily and intelligently made." ***In re Personal Restraint of Breedlove***, 138 Wn.2d 298, 309, 979 P.2d 417 (1999). They are regarded and interpreted as contracts between the parties where both parties are bound by the terms of a valid plea agreement. *Id.* A defendant's signing of a waiver statement and admission to understanding creates a strong presumption of understanding required for a valid waiver of the constitutional right to appeal in criminal cases. ***State v. Neff***, 163 Wn.2d 453, 459, 181 P.3d 819 (2008).

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Petitioner in the present case was originally charged with seven counts: aggravated murder in the first degree and in the alternative murder in the first degree, kidnapping in the first degree, robbery in the first degree, arson in the second degree, theft in the second degree, and extortion in the first degree. Appendix C (Original Information). The murder, kidnapping, and robbery counts all contained firearm sentencing enhancements. Appendix C. Defendant resolved his case by entering into a plea agreement with the State. Appendix D (Plea Agreement). Pursuant to the agreement, defendant agreed to waive his right to appeal and collaterally attack his judgment and sentence, amongst other things, in exchange for the State filing an amended information which would eliminate the possibility that he would be subject to the death penalty or a sentence of life without parole. Appendix D (Plea Agreement).

Specifically, the agreement stated:

> Waiver of appeal and collateral attack. Defendant understands that the law or consequences surrounding the death penalty or the charge of Aggravated Murder in the first degree may change by future legislative, executive or judicial action. Nevertheless, defendant knowingly and voluntarily enters into this agreement at this time because he wants to take responsibility for his criminal action and because he wants to eliminate the possibility that he might face execution. Defendant agrees to waive any right to pursue an appeal, in state or federal court, of any convictions/or sentences decreed or imposed pursuant to this agreement. **Defendant also waives his right to collaterally attack or make any post conviction challenge to his convictions and/or sentences in either state or federal court under** the Washington State Constitution Art. 1, § 13, the Revised Code of Washington 7.36 et. seq., **the Revised Code of Washington 10.73, et. seq.,** the rules of Appellate Procedure Title 16, Title 28 United States Code § 2254 or any other applicable state or federal law or rule. The defendant has discussed his rights and remedies concerning appeals and collateral attacks with his attorneys and hereby waives these rights.

Appendix D at 6 (emphasis added). Defendant, his attorneys, and the prosecutors all signed this agreement. Appendix D at 10. Below their signatures, there was also a "statement of defendant" which stated:

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> I have read the foregoing terms and conditions and have discussed them with my attorneys. I fully understand and accept them. I further represent that this agreement is executed voluntarily and is my own free will. No promises commitments, or understandings have been made to or for me in connection with the execution of this agreement other than those set forth above. I hereby indicate my assent to all of the terms and conditions of this agreement by my signature below.

Appendix D at 10. Defendant's signature appears below that statement. Appendix D at 10. The agreement also included declarations by both of defendant's attorneys which stated that they believed defendant "fully understands and accepts every term and condition" of the agreement and "the defendant is knowingly, intelligently and voluntarily entering into this agreement." Appendix D.

A review of defendant's plea agreement shows that he knowingly, voluntarily, and intelligently waived any right to appeal or collaterally attack his judgment and sentence. He even specifically waived the right to collaterally attack it under RCW 10.73 which is what he is doing in filing this personal restraint petition. There is no question that this waiver was done so knowingly, intelligently, and voluntarily by the defendant as evident from the language of the agreement, defendant's own statements and the declarations of his attorneys. This Court should dismiss this petition as it is clear that defendant has knowingly, intelligently, and voluntarily waived the right to collaterally attack his judgment and sentence.

In addition, the doctrine of invited error "prohibits a party from setting up an error at trial and then complaining of it on appeal." ***In re Breedlove***, 138 Wn.2d 298, 312, 979 P.2d 417 (1999)(*citing* ***State v. Wakefield***, 130 Wn.2d 464, 475, 925 P.2d 183 (1996)). The doctrine has been considered in cases where defendants were sentenced pursuant to plea bargains and later challenged their sentences on appeal. *Id.* at 312-13 (*citing* ***Wakefield***, 130 Wn.2d at 475 (the doctrine did not apply where a trial judge went beyond the defendant's request that the court participate in plea negotiations); ***State v. Cooper***, 63

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Wn. App. 8, 14, 816 P.2d 734 (1991)(defendant's statement on plea of guilty that he agreed sentences should be served consecutively was invited error)). Where it applies, the invited error doctrine precludes judicial review even where the alleged error raise constitutional issues. ***State v. Henderson***, 114 Wn.2d, 867, 871, 792 P.2d 514 (1990).

In this case, the petitioner agreed he would be subject to the imposition of a particular sentence in exchange for reduced charges eliminating the possibility that he would be subject to the death penalty or a sentence of life without the possibility of parole. Appendix D. The parties agreed that after pleading guilty to the charges in the amended information, the defendant's standard range would be 291 months to 388 months on the murder, the sentences on the other charges would run concurrently to the sentence on the murder pursuant to statute and the firearm enhancements would add 120 months to be served consecutively pursuant to statute. Appendix D at 4-5. Defendant also signed a stipulation on prior record and offender score which reflected his standard range on the murder charge and the two firearm sentence enhancements. Appendix E (Stipulation to Prior Record). He pleaded guilty to the charges in the amended information which also detailed his standard range and the time the firearm sentencing enhancements would add to that range. Appendix B. In his statement of defendant on plea of guilty, it also included the following language:

> I understand the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.

Appendix B at 6.

After a guilty plea, a double jeopardy challenge does not permit a defendant to supplement the record on appeal. ***State v. Knight***, 162 Wn.2d 806, 811, 174 P.3d 1167 (2008)(*citing* ***United States v. Broce***, 488 U.S. 563, 575-76, 109 S. Ct. 757, 102 L. Ed. 2d

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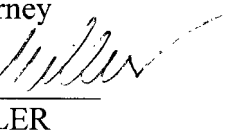
927 (1989) (defendants were precluded from expanding the record to demonstrate their two convictions for conspiracy stemmed from a single conspiracy)). Defendant never made any argument or claim that his convictions violated double jeopardy and he was well aware of the standard range he was subject to based upon the calculation of his offender score and the mandatory imposition of the firearm sentence enhancements. Defendant pleaded guilty to all the charges in the amended information and in doing so pleaded guilty to the facts and legal consequences of those charges, specifically that each charge constituted its own offense. Petitioner cannot now claim that two of his crimes merge when he participated in the plea bargain and was well aware of the sentence he would be receiving. This court should dismiss this petition as petitioner waived any right to collaterally attack his judgment and sentence and the doctrine of invited error also precludes complaint.

D. CONCLUSIONS:

For the foregoing reasons, the State respectfully requests this Court dismiss this petition.

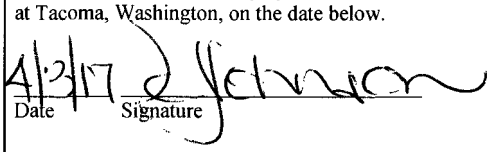
DATED: March 31, 2017.

MARK LINDQUIST
Pierce County
Prosecuting Attorney



CHELSEY MILLER
Deputy Prosecuting Attorney
WSB #42892

Certificate of Service:
The undersigned certifies that on this day she delivered by ~~U.S. mail~~ or ABC-LMI delivery to the attorney of record for the appellant and appellant c/o his or her attorney or to the attorney of record for the respondent and respondent c/o his or her attorney true and correct copies of the document to which this certificate is attached. This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington. Signed at Tacoma, Washington, on the date below.

4/3/17 
Date Signature

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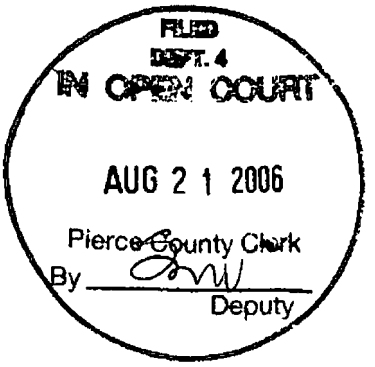
APPENDIX "A"

Judgment and Sentence

18875 8/28/2006 88138

Case Number: 04-1-01018-9 Date: March 31, 20
SerialID: 14BC5F5D-C707-48BF-A6A9C0C1C36818EF
Certified By: Kevin Stock Pierce County Clerk, Washington

04-1-01018-9 26030744 JDSWCD 08-24-06



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff, vs. WILLIAM CRAIG SCHORR, Defendant.	CAUSE NO: 04-1-01018-9 AUG 2 4 2006 WARRANT OF COMMITMENT 1) ☐ County Jail 2) ☒ Dept. of Corrections 3) ☐ Other Custody

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF PIERCE COUNTY:

WHEREAS, Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of Pierce, that the defendant be punished as specified in the Judgment and Sentence/Order Modifying/Revoking Probation/Community Supervision, a full and correct copy of which is attached hereto.

[ ] 1. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Pierce County Jail).

[ ] 2. YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Department of Corrections custody).

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Case Number: 04-1-01018-9 Date: March 31, 201
SerialID: 14BC5F5D-C707-48BF-A6A9C0C1C36818EF
Certified By: Kevin Stock Pierce County Clerk, Washington

[ ] 3. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement or placement not covered by Sections 1 and 2 above).

Dated: August 21, 2006.

By direction of the Honorable

JUDGE

KEVIN STOCK

CLERK

By: _____

DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF

Date AUG 24 2006 By _____ Deputy

FILED
IN OPEN COURT
AUG 21 2006
Pierce County Clerk
By _____
Deputy

STATE OF WASHINGTON
ss:
County of Pierce

I, Kevin Stock, Clerk of the above entitled Court, do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I hereunto set my hand and the Seal of Said Court this _____ day of _____, _____.

KEVIN STOCK, Clerk
By: _____ Deputy

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Telephone: (253) 798-7400

Case Number: 04-1-01018-9 Date: March 31, 20
SerialID: 14BC5F5D-C707-48BF-A6A9C0C1C36818EF
Certified By: Kevin Stock Pierce County Clerk, Washington

04-1-01018-9

FILED
DEPT. 4
IN OPEN COURT
AUG 21 2006
Pierce County Clerk
By _____ Deputy

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff, vs. WILLIAM CRAIG SCHORR Defendant. SID: WA15283769 DOB: 12/30/1974	CAUSE NO. 04-1-01018-9 JUDGMENT AND SENTENCE (JS) [x] Prison [ ] Jail One Year or Less [ ] First-Time Offender [ ] SSOSA [ ] DOSA [ ] Breaking The Cycle (BTC)

AUG 24 2006

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 11/16/2005 by [X] plea [ ] jury-verdict [ ] bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
I	MURDER 1° (D1)	9A.32.030(1)(a)	FIREARM	02/24/2004 02/25/2004	04-056-0182
III	ROBBERY 1° (AAA1)	9A.56.190 9A.56.200(1)(a)(i)	FIREARM	02/24/2004 02/25/2004	04-056-0182
IV	ARSON 2° (H4)	9A.48.030(1)	NONE	02/24/2004 02/25/2004	04-056-0182
V	THEFT 1° (JJ1)	9A.56.020(1)(a) 9A.56.030(1)(a)	NONE	02/24/2004 02/25/2004	04-056-0182

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

as charged in the Amended Information

[X] A special verdict/finding for use of firearm was returned on Count(s) I & III RCW 9.94A.602, .510.
[ ] Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):

06-9-09877-4

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[ ] 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):** NONE KNOWN OR CLAIMED

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	5	XIV	291-388 MONTHS	60 MONTHS	351-448 MONTHS	LIFE/ $50,000
III	5	IX	57-75 MONTHS	60 MONTHS	117-135 MONTHS	LIFE/ $50,000
IV	5	IV	22-29 MONTHS	NONE	22-29 MONTHS	10 YRS/ $20,000
V	3	II	4-12 MONTHS	NONE	4-12 MONTHS	10 YRS/ $20,000

2.4 [ ] **EXCEPTIONAL SENTENCE.** Substantial and compelling reasons exist which justify an exceptional sentence [ ] above [ ] below the standard range for Count(s) _____. Findings of fact and conclusions of law are attached in Appendix 2.4. The Prosecuting Attorney [ ] did [ ] did not recommend a similar sentence.

2.5 ***LEGAL FINANCIAL OBLIGATIONS.*** *The judgment shall upon entry be collectable by civil means,* subject to applicable exemptions set forth in Title 6, RCW. Chapter 379, Section 22, Laws of 2003.

[ ] 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 [X] attached [ ] as follows:

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/RJN $ 38,853.75 Restitution to: SEE SEPARATE RESTITUTION ORDER

$ _____ Restitution to: _____

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

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PCV	$ 500.00	Crime Victim assessment
DNA	$ 100.00	DNA Database Fee
PUB	$ _____	Court-Appointed Attorney Fees and Defense Costs
FRC	$ ~~200.00~~ 110.00	Criminal Filing Fee
FCM	$ _____	Fine

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

$_____ Other Costs for: _____

$_____ Other Costs for: _____

$ 39,543.75 TOTAL

[X] 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 $_____ per month commencing . _____. 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.

4.2 **RESTITUTION**

[ ] 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 _____

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

[X] RESTITUTION. Order Attached

4.3 **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.

4.4 **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.

4.5 **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

4.6 **COSTS ON APPEAL**

An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW. 10.73.

4.7 **[ ] 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.

4.8 **[X] 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.

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4.9 **NO CONTACT**

The defendant shall not have contact with the family of the victim, Robert Shapel including, but not limited to, personal, verbal, telephonic, written or contact through a third party for life (not to exceed the maximum statutory sentence).

[ ] Domestic Violence Protection Order or Antiharassment Order is filed with this Judgment and Sentence.

4.10 **OTHER:**

4.11 **BOND IS HEREBY EXONERATED**

4.12 **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):

291 months on Count I — 29 months on Count IV

75 months on Count III — 12 months on Count V

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 _____

60 months on Count No III — _____ months on Count No _____

Sentence enhancements in Counts I and III shall run
[ ] concurrent [X] consecutive to each other.
Sentence enhancements in Counts _ shall be served
[X] flat time [ ] subject to earned good time credit

Actual number of months of total confinement ordered is: 411 MONTHS

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

[X] The confinement time on Count(s) I contain(s) a mandatory minimum term of 240 months

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 or other deadly weapon as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

The sentence herein shall run consecutively to all felony sentences in other cause numbers prior to the commission of the crime(s) being sentenced. _____

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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: _____.

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

Count _____ for _____ months;

Count _____ for _____ months;

Count _____ for _____ months;

[X] **COMMUNITY CUSTODY** is ordered as follows:

Count	I	for a range from:	24	to	48	Months;
Count	III	for a range from:	18	to	36	Months;
Count	IV	for a range from:	18	to	36	Months;
Count	V	up to one (1) year				

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A for community placement offenses -- serious violent offense, second degree assault, any crime against a person with a deadly weapon finding, Chapter 69.50 or 69.52 RCW offense. Community custody follows a term for a sex offense -- RCW 9.94A. Use paragraph 4.7 to impose community custody following work ethic camp.]

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 service; (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) not unlawfully possess controlled substances while in community custody; (5) pay supervision fees as determined by DOC; and (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

[ ] The defendant shall not consume any alcohol.

[ ] Defendant shall have no contact with: _____.

[ ] Defendant shall remain [ ] within [ ] outside of a specified geographical boundary, to wit:

[ ] The defendant shall participate in the following crime-related treatment or counseling services: _____.

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

[ ] The defendant shall comply with the following crime-related prohibitions: _____

_____

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Other conditions may be imposed by the court or DOC during community custody, or are set forth here: See App. F.

4.14 [ ] **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.13.

4.15 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections: _____

V. NOTICES AND SIGNATURES

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

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

5.3 **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 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.7602.

5.4 **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.

5.5 **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 **SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200. N/A

5.7 **RESTITUTION AMENDENTS.** The portion of the sentence regarding restitution may be modified as to amount, terms, and conditions during any period of time the offender remains under the court's jurisdiction,

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

Case Number: 04-1-01018-9 Date: March 31, 201
SerialID: 14BC5F5D-C707-48BF-A6A9C0C1C36818EF
Certified By: Kevin Stock Pierce County Clerk, Washington

regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime.

5.8 OTHER: _____

DONE in Open Court and in the presence of the defendant this date: 8.21.06

JUDGE
Print name BRYAN CHUSHCOFF

Deputy Prosecuting Attorney
Print name: GERALD COSTELLO
WSB # 15738

Attorney for Defendant
Print name: Mary K. High
WSB # 20123

Defendant
Print name: William Schorr

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: _____

FILED
DEPT. 4
IN OPEN COURT
AUG 21 2006
Pierce County Clerk
By _____ Deputy

Office of Prosecuting Attorney
946 County-City Building
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Certified By: Kevin Stock Pierce County Clerk, Washington

CERTIFICATE OF CLERK

CAUSE NUMBER of this case: 04-1-01018-9

I, KEVIN STOCK 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 COURT REPORTER

_____
Court Reporter

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

Case Number: 04-1-01018-9 Date: March 31, 20
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APPENDIX "F"

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

_____ sex offense
__X__ serious violent offense
_____ assault in the second degree
_____ any crime where the defendant or an accomplice was armed with a deadly weapon
_____ any felony under 69.50 and 69.52

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

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

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

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

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

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

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

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

_____ (I) The offender shall remain within, or outside of, a specified geographical boundary: _____

_____

__✓__ (II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals: Shapel family members & co-defendant Jeremy Hosford

_____ (III) The offender shall participate in crime-related treatment or counseling services;

_____ (IV) The offender shall not consume alcohol; _____

_____ (V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

_____ (VI) *The offender shall comply with any crime-related prohibitions.*

_____ (VII) Other: _____

_____

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Case Number: 04-1-01018-9 Date: March 31, 20
SerialID: 14BC5F5D-C707-48BF-A6A9C0C1C36818EF
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IDENTIFICATION OF DEFENDANT

SID No. WA15283769 Date of Birth 12/30/1974
(If no SID take fingerprint card for State Patrol)

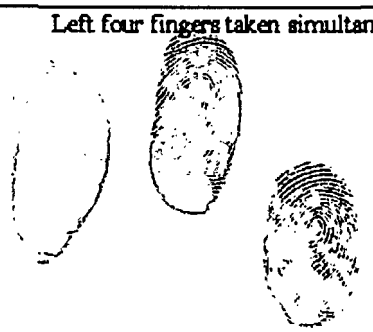
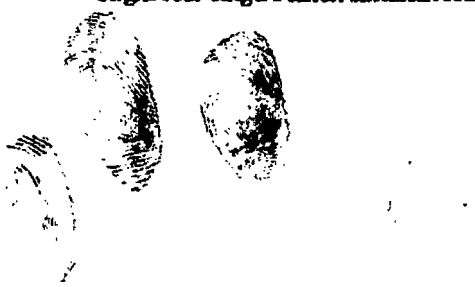
FBI No. 789501HB8 Local ID No. NONE

PCN No. 538058084 Other

Alias name, SSN, DOB: _____

Race:						Ethnicity:		Sex:	
[ ]	Asian/Pacific Islander	[ ]	Black/African-American	[X]	Caucasian	[ ]	Hispanic	[X]	Male
[ ]	Native American	[ ]	Other: :			[X]	Non-Hispanic	[ ]	Female

FINGERPRINTS

Left four fingers taken simultaneously	Left Thumb
	
Right Thumb	**Right four fingers taken simultaneously**
	

I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk: [signature] Dated: 8-21-06

DEFENDANT'S SIGNATURE: [signature]

DEFENDANT'S ADDRESS: _____

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

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the aforementioned court do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said Court this 31 day of March, 2017

Kevin Stock, Pierce County Clerk

By /S/Melissa Jaso, Deputy.
Dated: Mar 31, 2017 2:23 PM

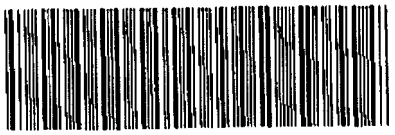
SEAL OF THE SUPERIOR COURT OF PIERCE COUNTY WASHINGTON

Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:
https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm,
enter **SerialID: 14BC5F5D-C707-48BF-A6A9C0C1C36818EF**.
This document contains 12 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

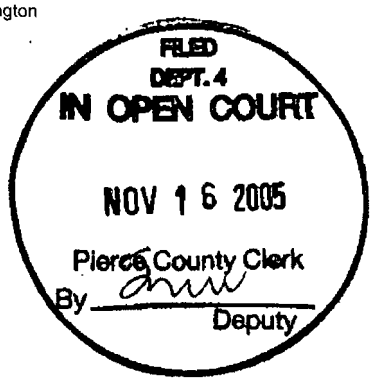
APPENDIX "B"

Statement of Defendant on Plea of Guilty

Case Number: 04-1-01018-9 Date: March 31, 2017
SerialID: 3DC977E5-FE40-49B2-904FC423EA27CA4B
Certified By: Kevin Stock Pierce County Clerk, Washington



04-1-01018-9 26030528 STTDFG 08-24-06



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

STATE OF WASHINGTON,
Plaintiff,
vs.
William Craig Schorr
Defendant.

CAUSE NO. 04-1-01018-9

STATEMENT OF DEFENDANT ON PLEA OF GUILTY

AUG 24 2006

1. My true name is: William Craig Schorr
2. My age is: 30 (DOB 12-30-74)
3. I went through the 9th grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
   (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is Sven O. STAURSET and Mary Kay High
   (b) I am charged with the crime(s) of:

Count I: Murder 1° - 9A.32.030 (1)(c)

Mr. Shapel was not a participant in the crime.

The elements are: Acting as an accomplice, in the State of WA. between 2/24 : 2/26/04, did unlawfully & feloniously, while attempting to committ Robbery 1°, Theft 1° and Arson 2° and in the course of or immediate flight therefrom suffocated R. Shapel, thereby causing his death, and in the commission thereof defendant or an accomplice was armed with a firearm. (RCW 9.41.010 9.94A.510 9.94A.530)

This crime carries a maximum sentence of life years imprisonment and a $ 50,000 fine. The standard range if from 291 months to 388 months based upon the attached stipulation as to my criminal history.

Offense Designations: Most Serious Offense [X] Serious Violent [X] Violent [ ] Non-Violent [ ] Sex [ ] Drug [ ] Traffic [ ] Check all that apply.

Count III Robbery 1°

Elements: During period 2/24 : 2/26/04 did unlawfully take personal property belonging to Robert Shapel, owner (and person w/dominion and control over it) took said property by use of violence, and while in commission thereof defendant or an accomplic was armed with a fire arm, which firearm enhances the sentence under the deadly weapon enhancement provisions.

and from the person or in the presence of Mr. Shapel and that defendant intended to commit theft of the property taken

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This crime carries a maximum sentence of life years imprisonment and a $50,000 fine. The standard range is from 57 months to 75 months based upon the attached stipulation as to my criminal history. + DWE
Offense Designations: Most Serious Offense[X] Serious Violent[ ] Violent[X] Non-Violent[ ] Sex[ ] Drug[ ] Traffic[ ] (check all that apply)

(c) ✓ Additional counts are addressed in Attachment "B".

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

(a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

(c) The right at trial to hear and question the witnesses who testify against me;

(d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;

(e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;

(f) The right to appeal a finding of guilt after a trial as well as other pretrial motions such as speedy trial challenges and suppression issues.

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

(a) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

	COUNT NO.	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancement for (F) Firearm, (D) Other Deadly Weapon, (V) VUCSA in protected zone, (VH) Vehicular Homicide, See RCW 46.61.520, or (JP) Juvenile Present	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	STANDARD RANGE COMMUNITY CUSTODY (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f))	MAXIMUM PENALTY
M1°	1	291-388	60 (F)	351-448	24-48	Life / $50,000 fine
R1°	3	57-75	60 (F)	117-135	18-36	Life / $50,000 fine

_____ Additional counts are addressed in Attachment "B".

Z-2466-2 Revised 7/1/00

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Certified By: Kevin Stock Pierce County Clerk, Washington

Case Name: State v. Schorr Cause No: 04-1-01018-9

ATTACHMENT "B"

4. (b) (continued) Defendant is pleading guilty to these additional counts:

Count ~~3~~ 4: Arson in the second degree (RCW 9A.48.030)

Elements: Acting as a principal or an accomplice to, did unlawfully, feloniously, knowingly and maliciously cause a fire or explosion which damaged a Snap-On tool truck located in Pierce County on or about 2/25/04.

This crime carries a maximum sentence of 10 years imprisonment and a $ 20,000 fine. The standard range is from 22 months to 29 months based upon the attached stipulation as to my criminal history.

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

Count ~~4~~ 5: Theft in the first degree (RCW 9A.56.020(1)(a)) RCW 9A.56.030(1)(a)

Elements: acting as an accomplice, in the State of Washington, during the period of time between 2/24/04 + 2/25/04 did unlawfully, feloniously and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to wit tools belonging to ~~Snap-On tools~~ another in a value exceeding $1,500.00. with intent to deprive another of the property,

This crime carries a maximum sentence of 10 years imprisonment and a $ 20,000 fine. The standard range is from 4 months to 12 months based upon the attached stipulation as to my criminal history.

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

6. (b) (continued) Defendant is pleading guilty to these additional counts:

	COUNT NO.	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancement for (F) Firearm, (D) Other Deadly Weapon, (V) VUCSA in protected zone, (VH) Vehicular Homicide, See RCW 46.61.520, or (JP) Juvenile Present	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	STANDARD RANGE COMMUNITY CUSTODY (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f))	MAXIMUM PENALTY
Arson	~~3~~ 4	22-29		22-29	18-36 mo.	10 yrs / $20,000 fine
Theft 1°	~~4~~ 5	4-12		4-12	up to 1 yr.	10 yrs / $20,000

ATTACHMENT "B"

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Certified By: Kevin Stock Pierce County Clerk, Washington

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

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

(d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding upon me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.

(e) In addition to sentencing me to confinement, the judge will order me to pay $500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

(f) **For Crimes Committed Prior to July 1, 2000:**
In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is less than 12 months. If this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community placement. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community placement. If this crime is a sex offense, the court will order me to serve at least three years of community custody. The actual period of community placement, community custody, or community supervision may be as long as my earned early release period. During the period of community placement, community custody, or community supervision, I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities. My failure to comply with these conditions will render me ineligible for general assistance. RCW 74.04.005(6)(h).

For Crimes Committed On or After July 1, 2000:
For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is less than 12 months. If the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the community custody range established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.150 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody range will be based on the offense type that dictates the

longest term of community custody. If I have been convicted of a crime that is not listed in the chart and my sentence is more than 12 months, I will be placed on community custody for the period of earned release.

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
Sex Offenses (Not sentenced under RCW 9.94A.120(8))	36 to 48 months or up to the period of earned release, whichever is longer
Serious Violent Offenses	24 to 48 months or up to the period of earned release, whichever is longer
Violent Offenses	18 to 36 months or up to the period of earned release, whichever is longer
Crimes Against Persons as defined by RCW 9.94A.440(2)	9 to 18 months or up to the period of earned release, whichever is longer
Offenses under Chapter 69.50 or 69.52 RCW (Not sentenced under RCW 9.94A.120(6))	9 to 12 months or up to the period of earned release, whichever is longer

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005(6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

(g) The prosecuting attorney will make the following recommendation to the judge: As in Plea Agreement - The prosecutor will recommended as provided for in the plea agreement which is incorporated by reference. State will also recommend to DOC for a separation order between co-defendants so as not to house in the same facility.

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

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

(j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.

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NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

(k) This offense is a most serious offense, or strike, as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.
In addition, if this offense is (1) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (2) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation, or (3) any attempt to commit any of the crimes listed in this sentence, and I have at least one prior conviction for one of these listed crimes in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

(l) The judge may sentence me as a first-time offender instead of giving me a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days confinement, and up to two years community supervision if the crime was committed prior to July 1, 2000, or two years of community custody of the crime was committed on or after July 1, 2000, plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.

(m) The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.120(8). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, which ever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; and I will be subject to all of the conditions described in paragraph (e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

(n) Because this crime involves a sex offense or a kidnaping offense involving a minor, I will be required to register where I reside, study, or work. The specific current registration requirements are set forth in Attachment "A". These requirements may change at a later date. I will be responsible for learning about any changes in the registration requirements and for complying with the registration requirements.

(o) If this crime involves a sex offense or a violent offense, I will be required to provide a sample of my blood for purpose of DNA identification analysis.

(p) If this is a crime of domestic violence and if I, or the victim of the offense has a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

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(q) If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus.

(r) The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.120(6). This sentence could include a period of total confinement in a state facility for one-half of the midpoint of the standard range plus all of the conditions described in paragraph (e). During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose community custody of at least one-half of the midpoint of the standard range that must include appropriate substance abuse treatment, a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. Additionally, the judge could prohibit me from using alcohol or controlled substances, require me to devote time to a specific employment or training, stay out of certain areas, pay thirty dollars per month to offset the cost of monitoring and require other conditions, including affirmative conditions.

(s) If the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

(t) If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine or amphetamine, a mandatory methamphetamine clean-up fine of $3,000.00 will be assessed. RCW 69.50.401(a)(1)(ii).

(u) If this crime involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked. If I have a driver's license, I must now surrender it to the judge.

(v) If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(8).

(w) The crime of Murder in The 1st degree has a mandatory minimum sentence of at least 20 years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility or parole described in paragraph 6(k).

(x) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

(y) I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.

(z) I understand that the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The

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sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.

See additional Provisions in Appendix A incorporated by reference

~~(aa) This plea of guilty will result in the suspension of public assistance. RCW 74.08.290.~~

7. I plead guilty to count I, ~~III~~, IV & V in the Amended Information. I have received a copy of that information. (V alternative charge of M1° in ct 1)

8. I make this plea freely and voluntarily.

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

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

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: on the 24th day of Feb. 2004, acting as an accomplice to Jeremy Hosford while committing, or attempting to commit a robbery in the first or second degree, and in the course of or furtherance of the robbery, or immediate flight there of, I was an accomplice to the suffocation death of R. Shapel. I was also armed with a firearm. On or about Feb 24-25, 2005, I was an accomplice to arson fire that destroyed a Snap-On Tool truck. These events took place in Pierce County WA.

On Feb. 24, 2004, Mr. Hosford and I took property from Mr. Shapel and after his death stole the tools from his van. they are valued in excess of $1500.00.

I also participated in a robbery of property from Mr. Shapel.

[ ] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

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

Defendant

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

Defendant's Lawyer WSBA # 20123 WSBA # 8996

Approved for entry:

Prosecuting Attorney
WSBA# 15738

Case Number: 04-1-01018-9 Date: March 31, 20
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Certified By: Kevin Stock Pierce County Clerk, Washington

Appendix A to Statement of Defendant on plea of guilty

Addendum to paragraph 6(h):

I understand the following regarding exceptional sentences:

(i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.

(ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.

(iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.

(iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

Addendum to Section 6:

(bb) I understand that I will be ineligible to vote until that right is restored in a manner described in RCW 10.64____ [2005 Wash. Laws 246 § 1]. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.

(cc) Public assistance will be suspended during any period of imprisonment.

(dd) I understand that I will be required to have a biological sample collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a $100.00 DNA collection fee.

My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and I understand them all. This document should be incorporated by reference into my "Statement of Defendant on Plea of Guilty."

Defendant

Attorney for Defendant

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

Case Number: 04-1-01018-9 Date: March 31, 2017
SerialID: 3DC977E5-FE40-49B2-904FC423EA27CA4B
Certified By: Kevin Stock Pierce County Clerk, Washington

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

(a) [✓] The defendant had previously read the entire statement above and the defendant understood it in full; or

(b) [✓] the defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or

* (c) [ ] An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

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

Dated this 16 day of NOVEMBER, 2005.

Bryan Chushcoff
Judge

*INTERPRETER'S DECLARATION

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

Dated this _____ day of _____, _____.

FILED
DEPT. 4
IN OPEN COURT
NOV 16 2005
Pierce County Clerk
By _____
Deputy

_____
Interpreter

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the aforementioned court do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said Court this 31 day of March, 2017

Kevin Stock, Pierce County Clerk

By /S/Melissa Jaso, Deputy.
Dated: Mar 31, 2017 2:23 PM

SEAL OF THE SUPERIOR COURT WASHINGTON OF PIERCE COUNTY

Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:
https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm,
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This document contains 10 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

APPENDIX "C"

Original Information

Case Number: 04-1-01018-9 Date: March 31, 2017
Certified ID: 6CB07199-EE32-411A-AFC21C0D7DFEE662
Certified By: Kevin Stock Pierce County Clerk, Washington

04-1-01018-9 20590023 INFO 03-02-04

FILED
IN COUNTY CLERK'S OFFICE

A.M. MAR - 2 2004 P.M.

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY_____ DEPUTY

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff, vs. WILLIAMS CRAIG SCHORR, Defendant.	CAUSE NO. 04-1-01018-9 INFORMATION 872-73633

DOB: 12/30/1974 SEX : MALE RACE: WHITE
PCN#: 538058084 SID#: 15283769 DOL#: UNKNOWN

CO-DEF: JEREMY ALAN HOSFORD 04-1-01017-1

COUNT I

I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse WILLIAMS CRAIG SCHORR of the crime of AGGRAVATED MURDER IN THE FIRST DEGREE, committed as follows:

That WILLIAMS CRAIG SCHORR, acting as an accomplice, in the State of Washington, during the period between the 24th day of February, 2004 and the 25th day of February, 2004, did unlawfully and feloniously, with premeditated intent to cause the death of another person, suffocate Richard Shapel, thereby causing the death of Richard Shapel, a human being, who died on or about the 24th day of February, 2004, and

That further aggravated circumstances exist, to-wit: that the murder was committed in the course of, in furtherance of, or in immediate flight from the crime of Robbery in the First or Second Degree or Kidnapping in the First or Second Degree, or the murder was committed to conceal the commission of a crime and to protect or conceal the identity of any person committing a crime contrary to RCW 10.95.020 (9) or (11) and 9A.32.030(1)(a), and in the commission thereof the defendant, or an accomplice, was armed with a firearm, to-wit: a handgun or a shotgun, that being a firearm as defined in RCW 9.41.010, and invoking the provisions of RCW 9.94A.310/9.94A.510, and adding additional time to the

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presumptive sentence as provided in RCW 9.94A.370/9.94A.530, and against the peace and dignity of the State of Washington.

IN THE ALTERNATIVE

I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse WILLIAMS CRAIG SCHORR of the crime of MURDER IN THE FIRST DEGREE, committed as follows:

That WILLIAMS CRAIG SCHORR, acting as an accomplice, in the State of Washington, during the period between the 24th day of February, 2004 and the 25th day of February, 2004, did unlawfully and feloniously, while committing or attempting to commit the crime of Robbery in the First or Second Degree or Kidnapping in the First or Second Degree, and in the course of or in furtherance of said crime or in immediate flight therefrom, suffocated Richard Shapel, and thereby causing the death of Richard Shapel, a human being, not a participant in such crime, on or about the 24th day of February, 2004, contrary to RCW 9A.32.030(1)(c), and in the commission thereof the defendant, or an accomplice, was armed with a firearm, to-wit: a handgun or a shotgun, that being a firearm as defined in RCW 9.41.010, and invoking the provisions of RCW 9.94A.310/9.94A.510, and adding additional time to the presumptive sentence as provided in RCW 9.94A.370/9.94A.530, and against the peace and dignity of the State of Washington.

COUNT II

And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse WILLIAMS CRAIG SCHORR of the crime of KIDNAPPING IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That WILLIAMS CRAIG SCHORR, acting as an accomplice, in the State of Washington, during the period between the 24th day of February, 2004 and the 25th day of February, 2004, did unlawfully and feloniously, with intent to facilitate commission of a felony, to-wit: Robbery in the First or Second Degree or Theft in the First Degree or flight thereafter, intentionally abduct Richard Shapel, contrary to RCW 9A.40.020(1)(b), and in the commission thereof the defendant, or an accomplice, was armed with a firearm, to-wit: a handgun or a shotgun, that being a firearm as defined in RCW 9.41.010, and invoking the provisions of RCW 9.94A.310/9.94A.510, and adding additional time to the presumptive sentence as provided in RCW 9.94A.370/9.94A.530, and against the peace and dignity of the State of Washington.

COUNT III

And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse WILLIAMS CRAIG SCHORR of the crime of

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ROBBERY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That WILLIAMS CRAIG SCHORR, acting as an accomplice, in the State of Washington, during the period between the 24th day of February, 2004 and the 25th day of February, 2004, did unlawfully and feloniously take personal property belonging to another with intent to steal from the person or in the presence of Richard Shapel, the owner thereof or a person having dominion and control over said property, against such person's will by use or threatened use of immediate force, violence, or fear of injury to Richard Shapel, said force or fear being used to obtain or retain possession of the property or to prevent or overcome resistance to the taking, and in the commission thereof, or in immediate flight therefrom, the Defendant or an accomplice was armed with a deadly weapon, to-wit: a handgun or a shotgun, contrary to RCW 9A.56.190 and 9A.56.200(l)(a)(i), and in the commission thereof the defendant, or an accomplice, was armed with a firearm, to-wit: a handgun or a shotgun, that being a firearm as defined in RCW 9.41.010, and invoking the provisions of RCW 9.94A.310/9.94A.510, and adding additional time to the presumptive sentence as provided in RCW 9.94A.370/9.94A.530, and against the peace and dignity of the State of Washington.

COUNT IV

And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse WILLIAMS CRAIG SCHORR of the crime of ARSON IN THE SECOND DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That WILLIAMS CRAIG SCHORR, acting as an accomplice, in the State of Washington, during the period between the 24th day of February, 2004 and the 25th day of February, 2004, did unlawfully, feloniously, knowingly, and maliciously cause a fire or explosion which damaged a Snap-On Tools truck, located in Pierce County, Washington, contrary to RCW 9A.48.030(1), and against the peace and dignity of the State of Washington.

COUNT V

And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse WILLIAMS CRAIG SCHORR of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or

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Case Number: 04-1-01018-9 Date: March 31, 2017
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so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That WILLIAMS CRAIG SCHORR, acting as an accomplice, in the State of Washington, during the period between the 24th day of February, 2004 and the 25th day of February, 2004, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: various tools, belonging to Snap-On Tool Company, of a value exceeding $1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

COUNT VI

And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse WILLIAMS CRAIG SCHORR of the crime of EXTORTION IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That WILLIAMS CRAIG SCHORR, acting as an accomplice, in the State of Washington, during the period between the 24th day of February, 2004 and the 25th day of February, 2004, did unlawfully and feloniously telephone Colleen Shapel and threaten, as defined by RCW 9A.04.110 (25) (a) or (c), to cause bodily harm or to physically confine or restrain Richard Shapel, and did knowingly, by this threat, attempt to obtain property or services from the owner thereof, contrary to RCW 9A.56.110 and 9A.56.120(1), and against the peace and dignity of the State of Washington.

DATED this 2nd day of March, 2004.

PIERCE COUNTY SHERIFF
WA02700

GERALD A. HORNE
Pierce County Prosecuting Attorney

gtc

By: _____
GERALD T. COSTELLO
Deputy Prosecuting Attorney
WSB#: 15738

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Tacoma, WA 98402-2171
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Case Number: 04-1-01018-9 Date: March 31, 2017
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NO. 04-1-01018-9
DECLARATION FOR DETERMINATION OF PROBABLE CAUSE

GERALD T. COSTELLO, declares under penalty of perjury:

That I am a deputy prosecuting attorney for Pierce County and I am familiar with the police report and/or investigation conducted by the PIERCE COUNTY SHERIFF, incident number 040560182;

That the lead detective, Bruce Larson, and the police report and/or investigation provided me the following information:

That in Pierce County, Washington, the defendants, JEREMY ALAN HOSFORD and WILLIAMS CRAIG SCHORR, did abduct and murder Richard Shapel.

Mr. Shapel was employed by Snap-on Tool company for many years. His duties included driving a truck on a regular route in Pierce County to provide tools and service to customers. As part of his job he routinely carried in his truck tools, with a fair market value in the tens of thousands of dollars, and cash of approximately $1,000 or more. Mr. Shapel also routinely carried his personal wallet, with credit cards and cash and a cellular telephone.

It has been the long-standing policy of the Snap-on Tool company to replace broken tools, at no charge, when customers contact a driver of a company truck. This policy was known by the defendants and was central to their plan of robbing Mr. Shapel.

The defendants prepared to abduct Mr. Shapel by arming themselves with guns and by bringing with them a set of hand-cuffs. They contacted the victim during the afternoon of February 24, 2004, by driving a white passenger van to a place on the victim's route in Pierce County. They saw the victim and flagged him down by waving a Snap-on tool, which they had deliberately broken, to signal their wish to have the tool replaced. When the victim stopped to assist them, both men pointed handguns at him and they entered his tool truck and ordered the victim to lie on the floor. They hand-cuffed the victim's hands behind his back. This abduction facilitated the commission of robbery from the victim and ultimately the theft of the tools within the truck. Mr. Shapel was cooperative. Neither defendant wore a mask or otherwise tried to conceal his face.

After he was subdued, the defendants took personal property from the victim, including his wallet and cellular telephone. At a later point in time, after Mr. Shapel was dead, the defendants used his gasoline company credit card. They also used his cellular telephone to determine his home telephone number. They later telephoned Colleen Shapel, as will be described below.

During the time the defendants were rifling through the victim's truck, Mr. Shapel was forcefully kicked or stomped on his head, more than once. Neither gun was used. The defendants killed Mr. Shapel by tightly wrapping his head with duct tape, including placing tape tightly on his neck, which may have acted like a ligature. They put a plastic bag over his head and then they secured that in place with more duct tape. Mr. Shapel suffocated and died.

The defendants located a place to dump the victim's body a few blocks from where he was abducted. They decided to drag his body out of the van and did so. They crammed his body inside of a portable toilet then shoved the toilet over, so that its door was on the ground, preventing easy access.

For a period of hours the victim's truck was left in a parking lot. The defendants decided to steal all the tools, with a value in the tens of thousands of dollars, and to burn the truck to destroy any evidence that might link them to the crime. They returned to the truck and emptied the truck of its tools. They then drove the truck to a remote area of Pierce County and deliberately set it on fire, largely destroying it.

The Defendants drove the tools, stuffed inside of two passenger vans, to a storage facility in Federal Way, which they had rented in order to store the tools. Police have gained access to the storage unit and have been conducting a complete inventory of the tools. The minimum estimate of the value of the tools far exceeds $1,500, and is, at this time, thought to be in the range of $75,000.

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In the early morning hours of February 25th, defendants telephoned the victim's wife, Colleen Shapel. Defendants had been unable to retrieve cash by using the victim's personal credit card, taken from his wallet. It was approximately 4:30 a.m., and Mrs. Chapel had been greatly concerned about her husband's whereabouts for many hours. Defendant Schorr called and when Mrs. Chapel answered, the defendant, using foul language and an angry, forceful tone, stated that "we have your husband," and demanded to know the "PIN" number to the victim's credit card. Mrs. Chapel was never told that her husband was already deceased. She stated that she did not know the PIN number and Defendant Schorr stated that "it would be a long ride to Portland for him," (referring to Mr. Shapel) if they did not get the PIN number. This was perceived to be a threat of harm to Mr. Shapel.

Investigation provided police with the license number of a white passenger van, which is believed to have been seen nearby the victim's truck, soon before the victim died. Investigation led to a home of a relative of Defendant Hosford, where the van was located. When the defendants were later arrested, handguns and a shotgun were recovered from the van. Both defendants ultimately made voluntary statements to police, that included a description that each was armed with a handgun when the victim was abducted, robbed, and killed. The handguns recovered from the van were the guns the defendants admitted using during the criminal episode.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: March 2, 2004
PLACE: TACOMA, WA

GERALD T. COSTELLO, WSB# 15738

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, WA 98402-2171
Main Office (253) 798-7400

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the aforementioned court do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said Court this 31 day of March, 2017

Kevin Stock, Pierce County Clerk

By /S/Melissa Jaso, Deputy.
Dated: Mar 31, 2017 2:23 PM

SEAL OF THE SUPERIOR COURT OF PIERCE COUNTY WASHINGTON

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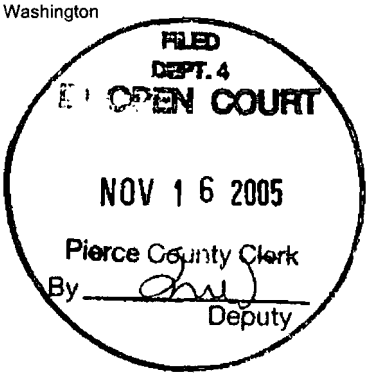
This document contains pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

APPENDIX "D"

Plea Agreement

10875 8/28/2006 00055

Case Number: 04-1-01018-9 Date: April 3, 2017
SerialID: 0F8F0102-8BFB-4489-B840985D8DF8A482
Certified By: Kevin Stock Pierce County Clerk, Washington



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff, vs. WILLIAM CRAIG SCHORR, Defendant.	CAUSE NO. 04-1-01018-9 PLEA AGREEMENT

Comes now the State of Washington, plaintiff, by and through Gerald A. Horne, Pierce County Prosecuting Attorney and his deputy prosecuting attorneys, Gerald Costello and Kathleen Proctor, and defendant, William Schorr, through his attorneys, Mary Kay High and Sverre Staurset, and enter into the following agreement in the above cause number.

1. Defendant's proffer and obligation to be truthful. Defendant shall first make a truthful, tape-recorded offer of proof, under questioning by a Sheriff's Department detective. Prosecutors and defendant's counsel may be present at this proffer. Statements made by defendant during an offer of proof constitute statements or offers to plead guilty or statements made in connection with such an offer under ER 410. The parties agree that defendant's proffer would not be offered or admissible against defendant at a trial, except as permitted under ER 410. Prosecutors must and will disclose to Jeremy Hosford's attorneys any exculpatory material relating to Mr. Hosford disclosed in the proffer.

To be considered truthful, defendant must: 1) be specific and include accurate details about the events relating to the murder of Robert Shapel and the other crimes and events

ORIGINAL

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committed close in time to the murder; 2) be complete - defendant must not withhold any information to try to protect himself or any other person; and 3) not knowingly provide false information in any respect. If the prosecutors decide not to accept defendant's proffer, they shall notify defendant's counsel within 48 hours of the conclusion of the proffer that the remaining paragraphs of this agreement are void and not binding upon either party.

2. Prosecution's filing of amended information. After completion and acceptance of defendant's proffer, the prosecutors agree to file an amended information, contingent on the court accepting a valid guilty plea to the amended information, charging defendant with the following offenses: 1) Murder in the first degree, with a firearm sentencing enhancement; 2) Robbery in the first degree, with a firearm sentencing enhancement; 3) Arson in the second degree and 4) Theft in the first degree. The information will allege that the murder was committed by the alternative means of premeditated murder and/or felony murder predicated on robbery in the first degree. A plea to the amended information eliminates the possibility that defendant will be subject to the death penalty or a sentence of life without the possibility of parole.

3. Guilty Plea. Defendant must successfully enter a guilty plea to the crimes in the amended information. Defendant shall not enter a plea pursuant to North Carolina v. Alford, 400 U.S. 25(1970), but provide a factual basis for each of his crimes. The parties recognize that defendant will complete a "Statement of defendant on plea of guilty" in conjunction with defendant's plea that will contain advisement as to the important rights defendant will be waiving by entering his guilty plea, as well as advisement as to the many consequences, direct and indirect, of his guilty plea. If the court accepts defendant's guilty plea, then the contents of the completed Statement of defendant on plea of guilty shall be incorporated into this agreement by reference and

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considered with this document as setting forth the entirety of the agreement between the parties. If the court does not accept the guilty plea the amended information will be withdrawn. If the court does not accept the amended information or the defendant's guilty plea then the remaining paragraphs of this agreement are void and not binding upon either party.

4. Waiver of speedy sentencing. If the court accepts defendant's guilty plea, defendant agrees to waive speedy sentencing and to set over his sentencing, repeatedly, if necessary, until all charges against Jeremy Hosford are resolved at the trial level.

5. Defendant's continuing obligation to cooperate and be truthful. After making an offer of proof and entering his guilty plea, defendant will provide complete and truthful information at all times to the prosecutors, to Pierce County Sheriff's Department detectives, and to defense counsel for Jeremy Hosford and/or his investigator, or other persons designated by the prosecutor, regarding defendant's knowledge of the circumstances surrounding the murder of victim Shapel, and regarding other crimes and circumstances occurring in connection with or close in time to the murder. Defendant must cooperate when needed for interviews and/or trial preparation by a prosecutor or a Sheriff's Department detective, at a time and location designated by them. Defendant will agree to be tape-recorded, if requested by law enforcement personnel. Defendant must cooperate when requested by a prosecutor to participate in any interview with Jeremy Hosford's attorneys or investigator. Defendant may agree to be tape-recorded in a defense interview, but that is not required as part of this agreement. Defendant's attorneys shall be notified and have the right to be present for all interviews, by any persons. Defendant understands and agrees that his breach of any provision of Section 5 will constitute a material breach of this agreement.

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6. Polygraph. Defendant must submit to a polygraph test, if requested by the prosecutors, to assist the prosecutors in determining the truthfulness of his potential trial testimony. If a polygraph test is requested, the polygraph operator will be selected by the prosecutors. Prosecutors will consult with defendant's attorneys in an effort to use a mutually agreeable polygrapher.

7. Disclosure of prior communications and prohibition of further. If defendant has discussed or relayed information about the circumstances of the murder of Robert Shapel or other crimes committed close in time to the murder, to persons other than his attorneys, defendant shall disclose the names of these persons to the prosecutors. Defendant shall not engage in any further such communications except with his attorneys or in order to fulfill the terms of this agreement.

8. Disclosure of prior contact with law enforcement. Defendant must provide information to the prosecution about his prior contacts, if any, with any law enforcement agency where defendant provided assistance to a law enforcement agency in exchange for some benefit to him or another person, including but not limited to, a reduction or dismissal of charges, the promise not to file charges, cash, or other forms of compensation.

9. Testimony. Defendant must testify, fully and truthfully, at any trial or retrial of Jeremy Hosford in Pierce County Cause number 04-1-01017-1. Defendant understands and agrees that his breach of any provision of Section 9 will constitute a material breach of this agreement.

10. Sentencing range. The parties agree that after pleading guilty to the charges identified in this agreement in paragraph 2, the defendant's standard sentencing range would be from 291 months to 388 months on the murder, the crime with the highest seriousness level. By statute, the sentences on the other charges would run concurrently to the sentence on the murder. The

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firearm enhancements would add 120 months, served consecutively. Defendant acknowledges that by statute the minimum term of confinement for Murder in the First Degree is 240 months and that this term of confinement may not be reduced by any type of "good time" credit. Defendant further acknowledges that, by statute, time imposed for weapons enhancements may not be reduced by any type of "good time" credit.

11. Sentencing recommendation. At sentencing, the State agrees to recommend a term of confinement within the standard sentencing range, including customary legal-financial obligations. The State further agrees that if defendant fulfills all of the terms of this agreement, then the State shall recommend a sentence at the low end of the standard range on the murder and high end of the standard range on the remaining crimes, to be served concurrently, plus imposition of 120 months for the firearm enhancements. The State will also ask the court to impose the required terms of community custody and ask that the court order a lifetime no contact order with the victim's surviving family members as a condition of his sentence. Defendant may ask the sentencing court to impose any lawful sentence.

12. Waiver of appeal and collateral attack. Defendant understands that the law or consequences surrounding the death penalty or the charge of Aggravated Murder in the first degree may change by future legislative, executive or judicial action. Nevertheless, defendant knowingly and voluntarily enters into this agreement at this time because he wants to take responsibility for his criminal action and because he wants to eliminate the possibility that he might face execution. Defendant agrees to waive any right to pursue an appeal, in state or federal court, of any convictions and/or sentences decreed or imposed pursuant to this agreement. Defendant also waives his right to collaterally attack or make any post conviction challenge to his convictions and/or sentences in either state or federal court under the

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, Washington 98402-2171
Main Office: (253) 798-7400

Case Number: 04-1-01018-9 Date: April 3, 2017
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Washington State Constitution Art. 1, § 13, the Revised Code of Washington 7.36 *et. seq.*, the Revised Code of Washington 10.73, *et. seq.*, the rules of Appellate Procedure Title 16, Title 28 United States Code § 2254 or any other applicable state or federal law or rule. The defendant has discussed his rights and remedies concerning appeals and collateral attacks with his attorneys and hereby waives these rights.

13. Waiver of appeal and collateral attack rights regardless of changes in the law. Defendant understands and agrees that the provisions of the foregoing section prevent the defendant from bringing any kind of future legal challenge to his convictions and sentences entered as a result of his guilty plea. Defendant agrees and understands that this includes the bringing of any kind of future challenge based upon future interpretations of the law applicable to defendant's convictions and/or sentences or based upon future changes in the law or statutes regarding his crimes.

14. Breach. Defendant can breach this agreement by failing to perform an act that the agreement requires or by performing an act that the agreement forbids. If defendant becomes uncooperative during the pre-trial preparations, he is in breach of the agreement; defendant's counsel shall be allowed a brief period of time, not to exceed 24 hours, in which to persuade defendant to come into compliance with the terms of the agreement. If defendant becomes uncooperative during Hosford's trial proceedings, he is in breach and is not entitled to any time period in which to come into compliance. Defendant is under a continuing obligation to be truthful, as defined in paragraph 1, in giving any statement pursuant to this agreement and failure to be truthful is a breach of this agreement. The following events establish that defendant is in breach of his obligation to be truthful: 1) giving inconsistent statements regarding material facts in any statement made pursuant to this agreement; 2) the conclusion of the polygrapher that

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defendant was being deceptive in his response to any question asked in a polygraph test administered pursuant to paragraph 6; or, 3) a reasonable belief on the part of the prosecuting attorneys assigned to prosecute this cause that defendant is not being completely truthful or is withholding information, provided that a prosecutor's assertion of reasonable belief about defendant's untruthfulness or withholding of information will be subject to the court's determination, based on a preponderance of the evidence, that the belief is reasonable, and the court's determination that this agreement has been breached. If defendant commits a breach of the agreement, the State has the option to either rescind the agreement or to modify its sentencing recommendation so as to ask the court to impose any term of confinement with the standard sentencing range.

15. Recission of agreement based on breach. If the State has cause to rescind the plea agreement and opts to do so, it shall file a motion to rescind the agreement and note it for argument. The motion shall state the grounds for rescission of the plea agreement and provide supporting declarations and other documentation, if any. Defendant's counsel must file, within one week, a written response, with supporting documentation, if defendant wants to dispute that he has breached the agreement. Failure to file a written response or supporting documentation shall be deemed an acknowledgement and stipulation that defendant has breached the agreement.

16. Modification of recommendation based on breach. If the State has cause to modify its sentencing recommendation and opts to do so, it shall file a notice of intention to modify its recommendation. The notice shall state the basis for modification of the sentencing recommendation and provide supporting declarations and other documentation, if any. Defendant's counsel must file, within one week, a written response, with supporting documentation if defendant wants to dispute that he has breached the agreement. Failure to file a

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written response or supporting documentation shall be deemed an acknowledgement and stipulation that defendant has breached the agreement.

17. Determination of breach. If there is a dispute as to whether defendant has breached the agreement, the question of whether a breach occurred shall be submitted to the Pierce County Superior Court Judge then assigned to this case. The court shall resolve the dispute after holding an evidentiary hearing. In addition to the evidence presented at the evidentiary hearing, the court may consider any information in its personal knowledge based upon events that have occurred in the courtroom. The State has the burden of proof and must establish defendant's breach by the preponderance of the evidence.

18. Recission remedy. If the State has filed a motion to rescind the agreement and the court determines that defendant has breached the agreement, it will invalidate the agreement, vacate defendant's guilty pleas, and enter an order invalidating the amended information filed in conjunction with that plea. Then the State may prosecute the defendant for all offenses originally charged. Defendant further agrees and specifically acknowledges that if his guilty pleas are set aside the State may seek a special sentencing proceeding to determine whether capital punishment should be imposed. Pursuant to Evidence Rule 410, the prosecutors may not introduce any of defendant's statements made during his proffer, the hearing on the taking of his guilty plea or in the statement of defendant on plea of guilty in any criminal or civil prosecution. However, defendant understands that the prosecutor may use any other evidence obtained, derived, directly or indirectly, from defendant's actions undertaken pursuant to this agreement, including any evidence of any kind discovered or recovered as a result of defendant's statements. If the court does not find a breach the agreement will remain in effect.

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19. Modification remedy. If the State has sought to modify its sentencing recommendation and the court determines that defendant has breached the agreement, the court will enter an order allowing the state to modify its sentencing recommendation. If the court does not find a breach the agreement will remain in effect.

20. Immunity. Nothing in this agreement shall be construed as providing the defendant with any type of immunity.

21. Promises. No one has made any threats of any kind to defendant or to any other person to cause him to enter into this agreement. No person has made promises of any kind to cause the defendant to enter into this agreement except as set forth herein. No additional promises, agreements and conditions have been entered into other than those set forth in this agreement and none will be entered into except in a written agreement signed by all parties.

22. Declaration by defendant's counsel. Prior to the entry of the defendant's guilty plea, each of defendant's attorneys shall provide the prosecution a declaration under penalty of perjury as to: 1) the thoroughness of his or her review of this agreement with defendant; 2) his or her belief that defendant is competent to enter into this agreement and enter a guilty plea; and 3) his or her belief as to the effectiveness of their representation of defendant with regards to his entering this agreement. The prosecutor will file these declarations in the court file upon acceptance of defendant's guilty plea.

23. Parties bound. The agreement binds defendant, his attorneys, and the Pierce County Prosecuting Attorney's Office. Changes in the deputy prosecutors assigned to the case or to the attorneys representing defendant shall have no impact on the binding nature of this agreement.

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24. Entire Agreement. This agreement and the "Statement of defendant on plea of guilty" referenced in Section 3 contains all terms, conditions, and provisions agreed upon by the parties hereto, and shall not be modified except by written amendment.

DATED this 15 day of November, 2005.

WILLIAM SCHORR, DEFENDANT

MARY KAY HIGH, DEFENDANT'S ATTORNEY
WSBA # 20123

SVERRE STAURSET, DEFENDANT'S ATTORNEY
WSBA # 8996

GERALD COSTELLO, DEPUTY PROSECUTOR
WSBA # 15738

KATHLEEN PROCTOR, DEPUTY PROSECUTOR
WSBA # 14811

STATEMENT OF DEFENDANT

I have read the foregoing terms and conditions and have discussed them with my attorneys. I fully understand and accept them. I further represent that this agreement is executed voluntarily and is my own free will. No promises commitments, or understandings have been made to or for me in connection with the execution of this agreement other than those set forth above. I hereby indicate my assent to all of the terms and conditions of this agreement by my signature below.

WILLIAM SCHORR, DEFENDANT

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STATEMENT BY DEFENDANT'S ATTORNEY

Review of Agreement: I have read this agreement carefully. I have carefully reviewed every term and condition with my client. I believe that he fully understands and accepts every term and condition. No promises, commitments, or understandings have been made in connection with the execution of this agreement other than those set forth in the agreement. I believe that the defendant is knowingly, intelligently and voluntarily entering into this agreement.

Defendant's Sound Mental State: During my contact with the defendant I have never seen any indication that he suffers from any mental disease or defect. During consultations with my colleagues who also represent the defendant or work with the defense team, none of them have mentioned observing any signs that the defendant suffers from any mental infirmity. Nothing suggests to me that defendant is anything other than perfectly competent to stand trial and to enter a valid guilty plea.

Effective Assistance of Counsel: I believe this agreement is in the best interest of my client. I believe that the defendant truly wishes to acknowledge his guilt for the crimes identified in the agreement and in the Amended Information. I have no reason to think that the defendant did not commit these crimes. I believe defendant has received exemplary legal representation by me and by co-counsel and has been ably assisted by other members of the defense team.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: 11-15-05

PLACE: TACOMA, WA

Sverre O. Staurset

Sverre Staurset

ORIGINAL

Case Number: 04-1-01018-9 Date: April 3, 2017
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STATEMENT BY DEFENDANT'S ATTORNEY

Review of Agreement: I have read this agreement carefully. I have carefully reviewed every term and condition with my client. I believe that he fully understands and accepts every term and condition. No promises, commitments, or understandings have been made in connection with the execution of this agreement other than those set forth in the agreement. I believe that the defendant is knowingly, intelligently and voluntarily entering into this agreement.

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Effective Assistance of Counsel: I believe this agreement is in the best interest of my client. I believe that the defendant truly wishes to acknowledge his guilt for the crimes identified in the agreement and in the Amended Information. I have no reason to think that the defendant did not commit these crimes. I believe defendant has received exemplary legal representation by me and by co-counsel and has been ably assisted by other members of the defense team.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: 11/16/05

PLACE: TACOMA, WA

Mary Kay High

ORIGINAL

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the aforementioned court do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said Court this 03 day of April, 2017

Kevin Stock, Pierce County Clerk

By /S/Linda Fowler, Deputy.
Dated: Apr 3, 2017 8:04 AM

SEAL OF THE SUPERIOR COURT OF PIERCE COUNTY WASHINGTON

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APPENDIX "E"

Stipulation to Prior Record

18875 8/28/2006 00134

Case Number: 04-1-01018-9 Date: March 31, 20
SerialID: C550E889-C78A-4E44-96823B6D4BA55D7F
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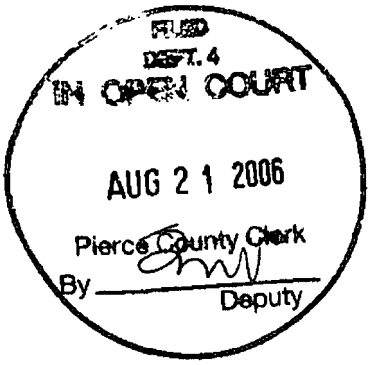

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff, vs. WILLIAM CRAIG SCHORR, Defendant.	CAUSE NO. 04-1-01018-9 AUG 24 2006 STIPULATION ON PRIOR RECORD AND OFFENDER SCORE (Plea of Guilty)

Upon the entry of a plea of guilty in the above cause number, charge MURDER IN THE FIRST DEGREE; ROBBERY IN THE FIRST DEGREE; ARSON IN THE SECOND DEGREE; THEFT IN THE FIRST DEGREE; EXTORTION IN THE FIRST DEGREE , the defendant WILLIAM CRAIG SCHORR, hereby stipulates that the following prior convictions are his complete criminal history, are correct and that he is the person named in the convictions:

WASHINGTON STATE CONVICTIONS: NONE KNOWN OR CLAIMED THAT CONTRIBUTE TO AN OFFENDER SCORE.

Concurrent conviction scoring: N/A

CONVICTIONS FROM OTHER JURISDICTIONS: NONE KNOWN OR CLAIMED.
The defendant also stipulates that the following convictions are equivalent to Washington State felony convictions of the class indicated, per RCW 9.94A.360(3)/9.94A.525 (Classifications of felony/misdemeanor, Class, and Type made under Washington Law):

Concurrent conviction scoring: N/A

The defendant stipulates that the above criminal history and scoring are correct, producing an offender score as follows, including current offenses, and stipulates that the offender score is correct:

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COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	5	XIV	291-388 MONTHS	60 MONTHS (F)	351-448 MONTHS	LIFE/ $50,000
III	5	IX	57-75 MONTHS	60 MONTHS (F)	117-135 MONTHS	LIFE/ $50,000
IV	5	IV	22-29 MONTHS	NONE	22-29 MONTHS	10 YRS/ $20,000
V	3	II	4-12 MONTHS	NONE	4-12 MONTHS	10 YRS/ $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.

The defendant further stipulates:

1) Pursuant to Blakely v. Washington, 542 U.S. 296, 124 S. Ct. 2531, 159 L. Ed. 2d 403 (2004), defendant may have a right to have factors that affect the determination of criminal history and offender score be determined by a jury beyond a reasonable doubt. Defendant waives any such right to a jury determination of these factors and asks this court to sentence according to the stipulated offender score set forth above.

2) That if any additional criminal history is discovered, the State of Washington may resentence the defendant using the corrected offender score without affecting the validity of the plea of guilty;

3) That if the defendant pled guilty to an information which was amended as a result of plea negotiation, and if the plea of guilty is set aside due to the motion of the defendant, the State of Washington is permitted to refile and prosecute any charge(s) dismissed, reduced or withheld from filing by that negotiation, and speedy trial rules shall not be a bar to such later prosecution;

4) That none of the above criminal history convictions have "washed out" under RCW 9.94A.360(3)/9.94A.525 unless specifically so indicated.

If sentenced within the standard range, the defendant further waives any right to appeal or seek redress via any collateral attack based upon the above stated criminal history and/or offender score calculation.

Stipulated to this on the 21 day of August, 2006.

GERALD T. COSTELLO
Deputy Prosecuting Attorney
WSB # 15738

WILLIAM CRAIG SCHORR

MARY K. HIGH
WSB # 20123

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

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the aforementioned court do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said Court this 31 day of March, 2017

Kevin Stock, Pierce County Clerk

By /S/Melissa Jaso, Deputy.
Dated: Mar 31, 2017 2:23 PM

SEAL OF THE SUPERIOR COURT OF PIERCE COUNTY WASHINGTON

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PIERCE COUNTY PROSECUTOR
April 03, 2017 - 9:01 AM
Transmittal Letter

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Case Name: In re the PRP of: William Schorr

Court of Appeals Case Number: 49853-7

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: ___

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

Petition for Review (PRV)

Other: _____

Comments:

No Comments were entered.

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