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NO. 94591-8

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**SUPREME COURT OF THE  
STATE OF WASHINGTON**

STATE OF WASHINGTON, RESPONDENT

v.

WILLIAM SCHORR, PETITIONER

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Appeal from the Court of Appeals Division II

No. 49853-7-II

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**Supplemental Brief of Respondent**

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A. ISSUES PERTAINING TO PETITIONER'S MOTION FOR DISCRETIONARY REVIEW

1. Should this Court dismiss the petition as untimely as petitioner not only waived his right to collateral attack under RCW 10.73, but also failed to demonstrate that his claim falls within an exception to the time bar pursuant to RCW 10.73.100(3)?
2. Should this Court uphold the validity of the petitioner's waiver of collateral attack where this Court as well as an overwhelming majority of other jurisdictions including every United States federal court has upheld the validity of the right to waive a collateral attack pursuant to a plea agreement?
3. Does petitioner's double jeopardy claim fail when he entered a guilty plea to two alternative means of committing murder in the first degree and there is no merger of his robbery and theft conviction with premeditated murder?
4. Has petitioner failed to demonstrate a double jeopardy violation where first degree murder is neither the same in law nor fact to first degree robbery or first degree theft?

B. STATEMENT OF THE CASE.

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 reduced charges by way of amended information to first degree murder (count I), first degree robbery (count III), second degree arson (count IV) and first degree theft (count V), therefore eliminating the possibility that he would be subject to the death penalty or a sentence of life without the

possibility of parole. Appendix B (Statement of Defendant on Plea of Guilty). Petitioner's plea to first degree murder (count I) was charged as premeditated with intent and in the alternative, felony murder. Appendix C (Amended Information). On August 21, 2006, petitioner was sentenced to 291 months on count I, with two 60 month firearm sentencing enhancements on counts I and III, to be served consecutively for a total term of confinement of 411 months. Appendix A. At the time of his plea, petitioner also entered into a lengthy waiver of his appellate and collateral attack rights. 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).

On December 29, 2016, petitioner filed a personal restraint petition alleging double jeopardy violations. Appendix E (Personal Restraint Petition “PRP”). Specifically, petitioner claims that his first degree robbery and first degree theft convictions merge with his first degree murder conviction. Appendix E. The Court of Appeals dismissed the petition finding that petitioner waived his right to collaterally attack his judgment and sentence and therefore failed to demonstrate that his petition falls within the time-bar under RCW 10.73.100(3). Appendix F (Order Dismissing Petition No. 4983-7)

Petitioner filed this motion for discretionary review on June 2, 2017, and this Court accepted. Appendix G (Petitioner’s Motion for Discretionary Review)

C. ARGUMENT.

1. THE PETITION SHOULD BE DISMISSED AS UNTIMELY AS PETITIONER NOT ONLY WAIVED HIS RIGHT TO COLLATERAL ATTACK UNDER RCW 10.73, BUT ALSO FAILED TO DEMONSTRATE THAT HIS CLAIM FALLS UNDER THE EXCEPTION TO THE TIME BAR PURSUANT TO RCW 10.73.100(3).

Personal restraint procedure has its origins in the State’s habeas corpus remedy, guaranteed by article 4, section 4 of the State Constitution. Fundamental to the nature of habeas corpus relief is the principle that the writ will not serve as a substitute for appeal. A personal restraint petition,

like a petition for a writ of habeas corpus, is not a substitute for an appeal. *In re Hagler*, 97 Wn.2d 818, 823-24, 650 P.2d 1103 (1982). "Collateral relief undermines the principles of finality of litigation, degrades the prominence of the trial, and sometimes costs society the right to punish admitted offenders." *Id.* (citing *Engle v. Issac*, 456 U.S. 107, 126, 102 S. Ct. 1558, 71 L. Ed. 2d 783 (1982)). These costs are significant and require that collateral relief be limited in state as well as federal courts. *Id.*

Because of the costs and risks involved, there is a time limit in which to file a personal restraint petition. RCW 10.73.090(1) subjects petitions to a one-year statute of limitation. The statute provides:

No petition or motion for collateral attack on a judgment and sentence in a criminal case may be filed more than one year after the judgment becomes final if the judgment and sentence is valid on its face and was rendered by a court of competent jurisdiction.

RCW 10.73.090(1). The time bar is applicable to any petition filed more than one year after July 23, 1989. RCW 10.73.130.

The statute of limitations set forth in RCW 10.73.090(1) is a mandatory rule that bars appellate consideration of personal restraint petitions filed after the limitation period has passed, unless the petitioner demonstrates that the petition falls within an exemption to the time limit under RCW 10.73.090 (facial invalidity or lack of jurisdiction) or is based solely on one or more of the following grounds: (1) newly discovered

evidence, (2) the statute that the defendant was convicted of violating was unconstitutional on its face, (3) the conviction was barred by double jeopardy, (4) the evidence was insufficient to support the conviction, and (5) the sentence imposed was in excess of the court's jurisdiction, or (6) there has been a significant change in the law. RCW 10.73.100; *See also, State v. King*, 130 Wn.2d 517, 530-31, 925 P.2d 606 (1996); *In re Aguilar*, 77 Wn. App. 596, 603, 892 P.2d 1091 (1995).

The petitioner bears the burden of proving that his petition falls within an exception to the one-year time limit. *Shumway v. Payne*, 136 Wn.2d 383, 399-400, 964 P.2d 349 (1998). To meet that burden of proof, the defendant must state the applicable exception within his petition. *In re Stoudmire*, 141 Wn.2d 342, 350, 5 P.3d 1240 (2000). Neither the Supreme Court nor the Court of Appeals may grant relief on a petition that is time barred. *See* RAP 16.4(d).

Under RCW 10.73.090(3)(a), a judgment becomes final on the date it is filed with the clerk of the trial court. Petitioner's judgment in this case became final on August 21, 2006, the date the trial court entered it. Appendix A; RCW 10.73.090(a). Petitioner had one year from that date to file a timely petition. At that time, petitioner expressly waived any right to appeal or collaterally attack his judgment and sentence. Appendix D. Petitioner therefore cannot raise or demonstrate any exception to the time

bar pursuant to his agreement. Petitioner did not file his personal restraint petition until January 3, 2017, eleven years beyond the one year time limit. Appendix E. Because petitioner filed his petition well beyond the one year time limit allowed under RCW 10.73.090 and RCW 10.73.100, the petition is time barred.

2. **STATE V. PERKINS** AND PUBLIC POLICY REQUIRES THIS COURT TO UPHOLD THE COURT OF APPEALS DECISION TO DISMISS THE PETITION AS PETITIONER KNOWINGLY, VOLUNTARILY AND INTELLIGENTLY WAIVED HIS RIGHT TO COLLATERALLY ATTACK HIS CONVICTIONS OR SENTENCE AS A PART OF HIS PLEA AGREEMENT.

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) *see also State v. Perkins* 108 Wn.2d at 216. 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).

This Court expressly held that a defendant may waive his or her right to 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 at 215. In *Perkins*, the defendant waived his right to appeal his prior rape and indecent liberties convictions pursuant to a plea agreement on new charges. *Id.* at 214. This Court upheld the validity of his appeal waiver pursuant to the terms of his plea agreement where the record indicated an express waiver that was made intelligently, voluntarily and with an understanding of the consequences. *Id.* at 215. In its reasoning, this Court recognized that, “[w]hile there is a constitutional right of appeal in all criminal cases in this state, we perceive no valid

reason why that right cannot be waived the same as other constitutional rights.” *Id.* at 217. The court further explained that,

“[t]he reasoning of those courts which invalidate pleas conditioned on defendant’s agreement to waive his appeal right seems curiously at odds with the widely accepted theoretical underpinnings of the plea bargaining system. While the right to appeal is an important right, it is no more fundamental than the right to a jury trial or the privilege against self-incrimination. Yet almost all courts have agreed that defendant can waive those rights by pleading guilty, so long as they do so knowingly and voluntarily.”

*Id.* citing J. Bond, *Plea Bargaining and Guilty Pleas*, 5.14, at 5-29 (2d ed. 1983).

A vast number of jurisdictions have cited *Perkins* favorably in agreement that as a matter of both public policy and law, the right to appeal may be waived.<sup>1</sup> More notably, no Court has declined to follow this Court’s decision in the more than three decades since *Perkins* was decided. *State v. Perkins* 108 Wn.2d 212, 737 P.2d 250 (1987).

An overwhelming number of states which have considered the issue of waiver of appeal rights have also held that the express waiver of the right to appeal made pursuant to a negotiated plea agreement, like

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<sup>1</sup> *Montgomery v. Sheldon*, 181 Ariz. 256, 889 P.2d 614 (1995); *People v. Vargas*, 13 Cal. App. 4<sup>th</sup> 1653, 17 Cal.Rptr.2d 445 (1993); *People v. Barton*, 174 P.3d 786 (2008); *Leach v. State*, 914 So.2d 519 (2005); *People v. Rodriguez*, 192 Mich.App.1, 480 N.W.2d 287 (1991); *Spann v. State*, 704 N.W.2d 486 (2005); *In re the Petition of Manula*, 23 Mont. 166, 866 P.2d 1127 (1993); *State v. Dye*, 291 Neb. 989, 870 N.W.2d 628 (2015); *People v. Seaburg*, 541 N.E.2d 1022, 543 N.Y.S.2d 968 (1989); *State v. Butts*, 112 Ohio App.3d 683, 679 N.E.2d 1170 (1996).

other fundamental constitutional rights, may be waived if the defendant does so knowingly voluntarily and intelligently.<sup>2</sup> Such agreements are not inherently coercive or involuntary nor do they violate due process or public policy. *Id.* Every federal circuit court that has considered this issue has upheld the validity of appeal waivers.<sup>3</sup>

Public policy considerations support upholding agreements to waive the right to appeal. The negotiation of plea agreements is an essential practice not only because of the absolute impossibility of trying the massive number of cases facing our law enforcement and judicial

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<sup>2</sup> *United States v. Khattak*, 273 F.3d 557, 560-562, (3d Cir. 2001) (waivers of right to appeal that are contained in a guilty plea agreement are generally permissible if entered into knowingly and voluntarily); *United States v. Rutan* (8<sup>th</sup> Cir. 1992) 956 F.2d 827 (if waiver of appeal is made knowingly and voluntarily; it is enforceable); *United States v. Davis* (4<sup>th</sup> Cir. 1992) 954 F.2d 182, 184-186; *United States v. Navarro-Botello* (9<sup>th</sup> Cir. 1990) 912 F.2d 318 (defendant's waiver of right to appeal sentence as part of negotiated plea agreement does not violate due process or public policy if waiver is made voluntarily and knowingly); *Gwin v. State (Ala.Crim.App.* 1984) 456 So.2d 845, 848-849 (waiver of defendant's right to appeal was valid and enforceable where he failed to sustain his burden of proving that his manslaughter conviction entered into as part of his plea bargain agreement, was not knowingly made); *Staton v. Warden* (1978) 175 Conn. 328, 334-335 [398 A.2d 1176]; *People v. Fearing* (1982) 110 Ill.App.3d 643-644-645 [442 N.E.2d 939]; *Judy v. State* (1981) 275 Ind. 145 [416 N.E.2d 95]; *State v. Hinners* (Iowa 1991) 471 N.W.2d 841, 843-844; *Weatherford v. Commonwealth* (Ky. 1986) 703 S.W.2d 882; *State v. McKinney* (La.1981) 406 So.2d 160; *Cubbage v. State* (1985) 304 Md. 237, 246-248 [498 A.2d 632]; *People v. Rodriguez* (1991) 192 Mich.App. 1 [480 N.W.2d 287]; *People v. Seaberg* (1989) 74 N.Y.2d 1, 543 N.Y.S.2d 968, 541 N.E.2d 1022, 1024-1026; *State ex rel Adams v. Norvell* (1969) 1 Tenn.Crim.App. 648 [448 S.W.2d 454]; *State v. Perkins* 108 Wn.2d 212, 737 P.2d 250 (1987).

<sup>3</sup> See e.g. *United States v. Teeter*, 257 F.3d 14, 24-25, (1<sup>st</sup> Cir. 2001); *United States v. Gomez-Perez*, 215 F.3d 315, 318 (2<sup>nd</sup> Cir.2000); *United States v. Wilson*, 429 F.3d 455, 460 (3<sup>rd</sup> Cir.2005); *United States v. Cohen*, 459 F.3d 490, 495 (4<sup>th</sup> Cir.2006); *United States v. Bond*, 414 F.3d 542, 544 (5<sup>th</sup> Cir. 2005); *United States v. Robinson*, 455 F.3d 602, 610-611 (6<sup>th</sup> Cir. 2006); *United States v. Lane*, 267 F.3d 715, 721 (7<sup>th</sup> Cir. 2001); *United States v. Andis*, 333 F.3d 886, 889 (8<sup>th</sup> Cir.2003); *United States v. Bibler*, 495 F.3d 621, 624 (9<sup>th</sup> Cir.2007); *United States v. Hahn*, 359 F.3d 1315, 1318 (10<sup>th</sup> Cir.2004); *United States v. Weaver*, 275 F.3d 1320, 1333 (11<sup>th</sup> Cir.2001).

systems, but also because of the advantages the procedure affords both the defendant and the state. The United States Supreme Court recognized plea bargaining as “an essential component of the administration of justice.” *Santobello v. New York*, 404 US 257, 260; 92 S.Ct. 495 [498] 30 L.Ed.2d 427 (1971). It enables the parties to avoid the delay and uncertainties of trial and appeal and permits swift resolution of cases with sentences tailored to the circumstances of each unique case. The public interest concerns underlying plea agreements are often served by enforcing a waiver of the right to appeal under circumstances such as the case at bar. This Court has recognized that to pronounce invalid per se a waiver by a defendant of any appeal as of right would substantially reduce the incentive of prosecutors to offer potentially worthwhile inducements to forego that right. *Perkins*, 108 Wn.2d 216. Thus, the procedure not only permits substantial conservation of prosecutorial and judicial resources, but it provides a means where the parties can obtain a prompt resolution of criminal proceedings with all the benefits that come from final disposition.

Double jeopardy violations may also be waived. *In re Delgado*, 160 Wn. App. 898, 909, 251 P.3d 899 (2011). As a general rule, “a defendant who has entered a plea of guilty to a criminal charge may not assert a double jeopardy claim in a collateral attack upon the sentence.” *Id.* citing *In re Newlun*, 158 Wn. App. 28, 33, 240 P.3d 795 (2010); see

*United States v. Broce*, 488 U.S. 563, 573-75, 109 S.Ct. 757, 102 L.Ed.2d 927 (1989). In order for a defendant to raise a double jeopardy claim after a guilty plea, the violation must be clear from the record that was before the judge at the time accepting the plea; otherwise the double jeopardy claim is waived. *State v. Knight*, 162 Wn.2d 806, 811, 174 P.3d 1167 (2008); *Newlun*, 158 Wn. App. at 33-34.

A review of petitioner's plea agreement shows that he expressly waived any right to appeal or collaterally attack his judgment and sentence. Appendix D. He even specifically agreed to waive his right to collaterally attack his convictions under RCW 10.73, which he has breached by filing this personal restraint petition. Appendix E. 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. Even petitioner himself does not allege that his plea was not entered into knowingly, voluntarily and intelligently. Petitioner's waiver is valid as a matter of law consistent with this Court's holding which has been upheld and adopted almost universally by a vast number of jurisdictions for over thirty years. This Court should dismiss the petition as petitioner knowingly and voluntarily waived his right to collaterally challenge his sentence and the contract should be upheld as a matter of

public policy. This Court should dismiss this petition as petitioner validly waived any right to collaterally attack his judgment.

Petitioner claims that “an individual cannot by way of a negotiated plea agreement, agree to a sentence in excess of that allowed by law thus [sic] cannot waive such a sentence.” Appendix H, page 6-7 (Petitioner’s Reply Brief) citing *In re Goodwin*, 146 Wn.2d 861, 873-874, 50 P.3d 618 (2002) and *In re Hinton*, 152 Wn.2d 853, 858, 100 P.3d 801 (2004). Petitioner’s application of these cases are both misplaced and clearly distinguishable. In *Hinton* and *Goodwin*, petitioners challenged convictions which were facially invalid, and thus not barred by the one year limitations period for collateral attack on criminal judgment and sentence. *In re Hinton*, 152 Wn.2d at 857 (Conviction for second degree felony murder was facially invalid when based on a nonexistent crime pursuant to *Andress*.); *In re Goodwin*, 146 Wn.2d at 874 (Petitioner’s sentence was facially invalid when based on a miscalculated offender score). Petitioner does not claim facial invalidity as an exception to the time bar in this case. Instead, he raises a double jeopardy claim pursuant to RCW 10.73.100(3). Appendix E. However, petitioner expressly waived his right to appeal and challenge his sentence pursuant to a plea agreement. Appendix D. There are no cases, including *Goodwin* or *Hinton*, cited by petitioner that involve express waivers of the right to

appeal. On the contrary, *Goodwin* explicitly limited its holding to avoid the very misapplication sought by petitioner stating,

“[a]ccordingly, we hold that in general a defendant cannot waive a challenge to a miscalculated offender score. *There are limitations on this holding.* While waiver does not apply where the alleged sentencing error is a legal error leading to an excessive sentence, waiver can be found where the alleged error involves an agreement to facts, later disputed or where the alleged error involves a matter of trial court discretion.”

*In re Goodwin*, 146 Wn.2d at 874 (emphasis added).

As such, this Court should dismiss this petition as petitioner validly waived any right to collaterally attack his judgment.

3. PETITIONER MAY NOT RAISE A DOUBLE JEOPARDY CLAIM WHERE HE PLEADED GUILTY TO THE CHARGES IN THE INFORMATION AS A WHOLE INCLUDING FIRST DEGREE MURDER BY WAY OF TWO ALTERNATIVES; PREMEDITATED WITH INTENT AND FELONY MURDER.

A defendant’s right to plead guilty is limited to the crime as charged and does not include the right to plead guilty to only one alternative means. *State v. Bowerman*, 115 Wn.2d 794, 799 802 P.2d 116 (1990) citing *In re Mayer*, 128 Wn. App. 694, 702, 117 P.3d 353 (2005). An attack of one alternative means does not invalidate the other. *In re Richey*, 162 Wn.2d 865, 871, 175 P.3d 585 (2008), see also *In re Fuamaila*, 131 Wn. App. 908, 131 P.3d 318 (2006).

In *Bowerman*, the court rejected the argument that a defendant has a statutory right to plead guilty to just the felony murder portion of her murder charge. *Bowerman*, 115 Wn.2d at 801. The amended information charged Bowerman with the single crime of first degree murder, alleging two alternative ways of committing the crime: (1) aggravated, premeditated murder, and (2) felony murder. In its reasoning, the court explained:

The statutory right to plead guilty recognized in *Martin* cannot be stretched so far as to include a right to plead guilty to only one alternative means out of several that are charged. Where an information alleges more than one means of committing a single crime, the right to plead guilty is a right to plead guilty to the one crime charged.

*Id.* citing *State v. Martin*, 94 Wn.2d 1, 4, 614 P.2d 164 (1980).

Premeditated murder and felony murder are not separate crimes, but instead, are alternate ways of committing one single crime of first degree murder. *State v. Bowerman*, 115 Wn.2d at 800.

Double jeopardy is not violated by failure to vacate a defendant's conviction for second degree murder, which was based on his guilty plea to intentional and felony murder as alternative theories. *In re Mayer*, 128 Wn. App. 694, 702, 117 P.3d 353 (2005). In *Mayer*, following the defendant's Alford plea to one single count of second degree murder, the

felony murder conviction was later invalidated pursuant to *Andress*.<sup>4</sup> The Court held that because the defendant pleaded guilty as charged to both methods of committing the murder, the conviction for second degree intentional murder was sound and not impacted by the *Andress* decision. *In re Mayer*, 128 Wn. App. at 702.

Here, petitioner pleaded guilty to the amended information charging him with first degree murder by two means. Appendix B, C. The amended information charged petitioner with one count of first degree murder with premeditated intent under RCW 9A.32.030(1)(a) and, alternatively, with first degree felony murder under RCW 9A.32.030(1)(b), alleging Robbery in the First Degree as the predicate offense. Appendix C. Petitioner pleaded guilty as charged to the single crime of first degree murder by both means. Petitioner's argument relies on the incorrect assumption that he pleaded guilty solely to the crime of felony murder. However, as is abundantly clear as a matter of law, petitioner cannot simply elect which of the alternatives first degree murder applies. The law does not allow for petitioner to re-label his conviction for the purposes of attacking his sentence. Petitioner, by his own admission, is

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<sup>4</sup> Assault may not serve as the predicate crime for second degree felony murder under former RCW 9A.32.050(1)(b); *In re Personal Restraint of Andress*, 147 Wn.2d 602, 616, 56 P.3d 981 (2002)<sup>4</sup>; *North Carolina v. Alford*, 400 U.S. 25, 37, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970).

guilty of first degree murder by way of premeditation with intent and in the alternative, felony murder. Petitioner cannot claim that he pleaded guilty to first degree murder by way of a single alternative means in order to argue that his convictions merge.

4. PETITIONER'S DOUBLE JEOPARDY CLAIM FAILS AS HE PLEADED GUILTY TO THE CHARGES IN THE INFORMATION AS A WHOLE INCLUDING PREMEDITATED FIRST DEGREE MURDER WHICH DOES NOT MERGE WITH ROBBERY OR THEFT.

The double jeopardy clause guarantees that no person shall “be subject for the same offense to be twice put in jeopardy of life or limb.” U.S. Const. Amend. V. The double jeopardy clause applies to the states through the due process clause of the Fourteenth Amendment, and is coextensive with article I, § 9 of the Washington State Constitution. *State v. Gocken*, 127 Wn.2d 95, 107, 896 P.2d 1267 (1995) (citing *Benton v. Maryland*, 395 U.S. 784, 794, 89 S. Ct. 2056, 23 L. Ed. 2d 707 (1969)). Washington’s double jeopardy clause offers the same scope of protection as the federal double jeopardy clause. *State v. Adel*, 136 Wn.2d 629, 632, 965 P.2d 1072 (1998) (citing *Gocken*, 127 Wn.2d at 107). The double jeopardy clause encompasses three separate constitutional protections:

It protects against a second prosecution for the same offense after acquittal. It protects against a second prosecution for the same offense after conviction. And it protects against multiple punishments for the same crime.

*Gocken*, 127 Wn.2d at 100.

When the intent of the legislature is clear, the court may conclude that the legislature intended to punish two offenses arising out of the same act separately. *State v. Freeman*, 153 Wn.2d 765, 771-72, 108 P.3d 753 (2005). Otherwise, this Court employs a two-tiered analysis when evaluating the claim of a double jeopardy violation. *Id.* at 772; *see also Blockburger v. United States*, 284 U.S. 299 52 S.Ct. 180, 76 L.Ed. 306 (1932). “First, the offenses must be factually the same.” *In re Personal Restraint Petition of Fletcher*, 113 Wn.2d 42, 47, 776 P.2d 114 (1989). This means that the proof of both offenses is the same. *Id.* If proof of one offense would not necessarily prove the other, then there is no double jeopardy violation. *Id.* Second, the court must examine whether the offenses, as charged, contain the same elements. *Fletcher*, 113 Wn.2d at 49. If each offense contains elements not included in the other, then there is no double jeopardy violation. *Id.* The elements of the crime are not considered on an abstract level, but are viewed in the light of the proof required for each offense. *Freeman*, 153 Wn.2d at 772.

Several courts have declined to merge the offenses of robbery and felony murder where “the crime of robbery was a separate and distinct offense from the felony murder of which it forms an element.” *State v. Peyton*, 29 Wn. App. 701, 720, 630 P.2d 1362 (1981); *State v. Saunders*,

120 Wn. App. 800, 86 P.3d 232 (2004). In *Peyton*, the defendant fled from a robbery and while police pursued him and his co-conspirators, an officer was fatally shot. *Id.* at 704-705. The court declined to merge the robbery with the felony murder where the predicate offense was not so intertwined with the greater offense that merger was warranted. *Id.* at 720. In *Saunders*, the defendants raped and killed the victim and then took her watch. *Saunders*, 120 Wn. App. at 806-808. That court also declined to merge the robbery with the felony murder conviction stating:

Here, although the robbery and murder may have occurred close in time and place, the other factors indicate that merger of these two offenses is unwarranted. The record shows that the defendants committed the robbery after the murder and that they did not commit the robbery to facilitate the murder. Further, the victim sustained an independent injury from the robbery, the theft of her watch. Thus, the robbery was separate and distinct from the murder.

*Id.* at 822-823.

A person is guilty of murder in the first degree when, with a premeditated intent to cause the death of another person, he causes the death of such person. RCW 9A.32.030. Robbery is committed when a person unlawfully takes personal property from the person of another or in his presence against his will by the use or threatened use of immediate force, violence, or fear of injury to that person or in his property or the

person or property of anyone. RCW 9A.56.190.<sup>5</sup> A person is guilty of theft in the first degree if he commits theft of property or services which exceed(s) five thousand dollars in value. RCW 9A.56.030.

Petitioner claims that his first degree murder conviction merges with his first degree robbery and first degree theft convictions. Appendix E page 5. Specifically, his argument relies wholly on the misplaced notion that he pleaded guilty *only* to felony murder and that the robbery and theft convictions therefore merge because they were somehow the predicate offenses to the felony murder. Appendix E page 5. Petitioner's claim fails for numerous reasons. First, as argued *supra*, petitioner pleaded guilty to first degree murder by way of two alternatives, premeditated with intent as well as felony murder. Therefore, he is guilty of the single crime of first degree murder, not just felony murder. Thus, petitioner must demonstrate that double jeopardy is violated where he is convicted of first degree murder as charged. This claim clearly fails where none of the three crimes are the same in neither law nor fact. First degree murder contains the element of causing the death of a person. RCW 9A.32.030. Neither first degree robbery nor first degree theft requires such element. RCW 9A.56.200, RCW 9A.56.030. Robbery requires that a person take the

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<sup>5</sup> A person is guilty of robbery in the first degree if in the commission of a robbery or of immediate flight therefrom, he or she is armed with a deadly weapon; or inflicts bodily injury. RCW 9A.56.200.

personal property of another person with force, which neither murder nor theft requires. *Id.* Neither murder nor robbery requires that the value of services or property of another exceeds five thousand dollars which is required for theft. *Id.*

Even assuming *arguendo* that petitioner was convicted solely of felony murder, petitioner still fails to demonstrate how his robbery and theft convictions merge with his felony murder conviction where he provided a completely separate factual basis for each individual conviction. Appendix B; Appendix I (State's response to Petitioner's Motion for Discretionary Review). Where petitioner cannot demonstrate that his convictions for first degree murder merge with his convictions for first degree robbery and first degree theft, double jeopardy is not violated and this Court should dismiss this petition.

D. CONCLUSION.

For the foregoing reasons, this Court should dismiss the petition and affirm his convictions.

DATED: March 9, 2018.

MARK LINDQUIST  
Pierce County Prosecuting Attorney

  
\_\_\_\_\_  
ROBIN SAND  
Deputy Prosecuting Attorney  
WSB # 47838

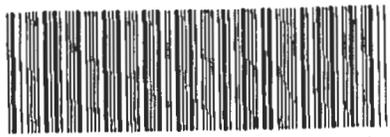
Certificate of Service:

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 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.

3/9/18 Therese  
Date Signature

## **APPENDIX “A”**

Case Number: 04-1-01018-9 Date: March 8, 2018  
SerialID: B3B29E0B-C663-4EB7-A8B6AE90FE7A9E08  
Certified By: Kevin Stock Pierce County Clerk, Washington



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,  
  
vs.  
  
WILLIAM CRAIG SCHORR,

Plaintiff,  
  
  
  
  
  
Defendant.

CAUSE NO: 04-1-01018-9

AUG 24 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).

Case Number: 04-1-01018-9 Date: March 8, 2018  
SerialID: B3B29E0B-C663-4EB7-A8B6AE90FE7A9E08  
Certified By: Kevin Stock Pierce County Clerk, Washington

04-1-01018-9

[ ] 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  
[Signature]  
JUDGE  
KEVIN STOCK  
CLERK.  
[Signature]  
By: \_\_\_\_\_  
DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF  
AUG 24 2006  
Date \_\_\_\_\_ By [Signature] Deputy

FILED  
AUG 24  
IN CLERK COURT  
AUG 21 2006  
Pierce County Clerk  
By [Signature]  
Deputy

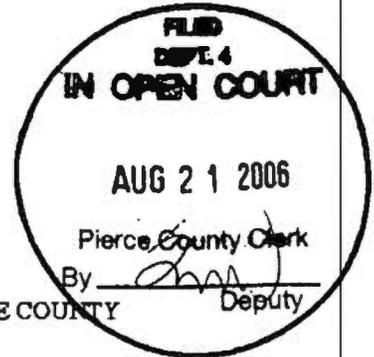
STATE OF WASHINGTON  
County of Pierce ss:

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

KEVIN STOCK, Clerk  
By: \_\_\_\_\_ Deputy

Case Number: 04-1-01018-9 Date: March 8, 2011  
SerialID: B3B29E0B-C663-4EB7-A8B6AE90FE7A9E08  
Certified By: Kevin Stock Pierce County Clerk, Washington

04-1-01018-9



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-01018-9

vs.

JUDGMENT AND SENTENCE (JS)

WILLIAM CRAIG SCHORR

Defendant.

- Prison
- Jail One Year or Less
- First-Time Offender
- SSOSA
- DOSA
- Breaking The Cycle (BTC)

AUG 24 2006

SID: WA15283769  
DOB: 12/30/1974

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  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

- 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

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  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

RTM/RJN

\$ 38,853<sup>75</sup>

Restitution to: SEE SEPARATE RESTITUTION ORDER

\$

Restitution to:

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

04-1-01018-9

1  
 2 PCV \$ 500.00 Crime Victim assessment  
 3 DNA \$ 100.00 DNA Database Fee  
 4 PUB \$ \_\_\_\_\_ Court-Appointed Attorney Fees and Defense Costs  
 5 FRC \$ 110.00 Criminal Filing Fee  
 6 FCM \$ \_\_\_\_\_ Fine

## OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

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

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

\$ 31,543.<sup>75</sup> TOTAL

9 [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

12 [ ] 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:

13 [ ] shall be set by the prosecutor.

14 [ ] is scheduled for \_\_\_\_\_

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

16  RESTITUTION. Order Attached

## 4.3 COSTS OF INCARCERATION

17 [ ] 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

18 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

19 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

20 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

21 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

22 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.

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:

Empty table with 6 rows for additional information.

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  consecutive to each other.  
Sentence enhancements in Counts \_\_\_\_\_ shall be served  
 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).

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. \_\_\_\_\_

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;

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: \_\_\_\_\_

04-1-01018-9

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 AMENDMENTS.** 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,

04-1-01018-9

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 *Bryan Chushcoff*  
Print name BRYAN CHUSHCOFF

*Gerald Costello*  
Deputy Prosecuting Attorney  
Print name: GERALD COSTELLO  
WSB # 15738

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

*William Schorr*  
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: *William Schorr*

FILED  
DEPT. 4  
IN OPEN COURT  
AUG 21 2006  
Pierce County Clerk  
By *[Signature]*  
Deputy

Case Number: 04-1-01018-9 Date: March 8, 2018  
SerialID: B3B29E0B-C663-4EB7-A8B6AE90FE7A9E08  
Certified By: Kevin Stock Pierce County Clerk, Washington

04-1-01018-9

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**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

APPENDIX "F"

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

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

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: \_\_\_\_\_

Case Number: 04-1-01018-9 Date: March 8, 2016  
 SerialID: B3B29E0B-C663-4EB7-A8B6AE90FE7A9E08  
 Certified By: Kevin Stock Pierce County Clerk, Washington

04-1-01018-9

**IDENTIFICATION OF DEFENDANT**

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

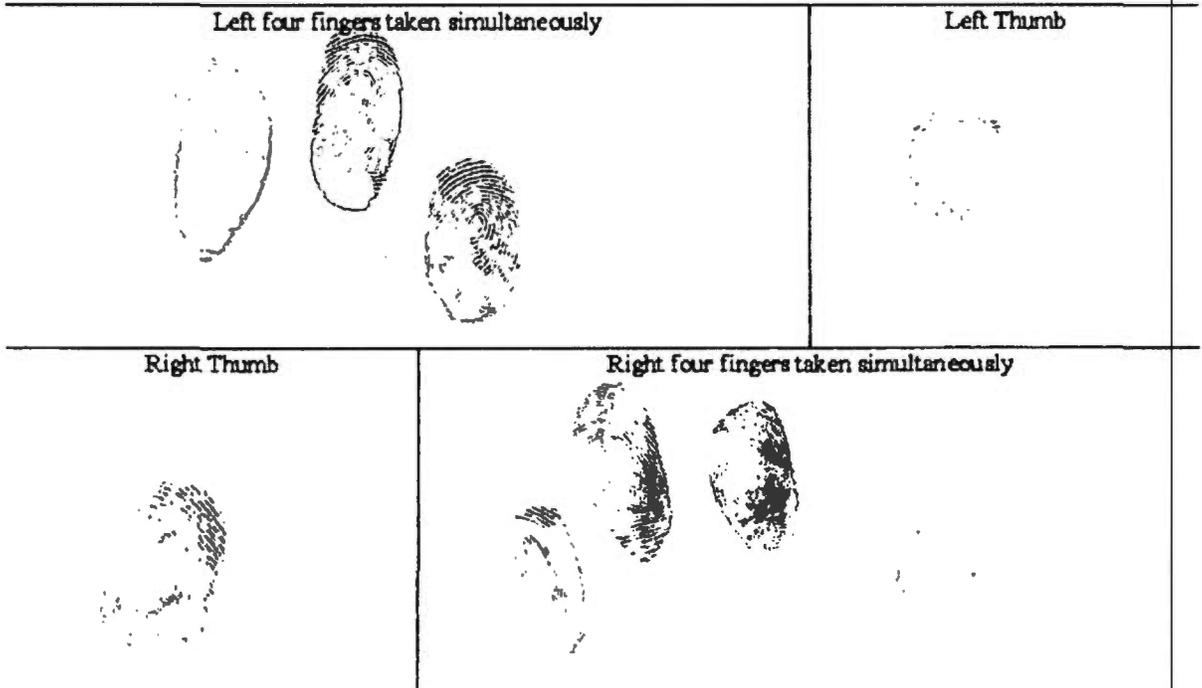
FBI No. 789501HB8 Local ID No. NONE

PCN No. 538058084 Other

Alias name, SSN, DOB: \_\_\_\_\_

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

**FINGERPRINTS**



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

DEFENDANT'S SIGNATURE: [Signature]

DEFENDANT'S ADDRESS: \_\_\_\_\_

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 08 day of March, 2018



Kevin Stock, Pierce County Clerk

By /S/Jessica Hite, Deputy.

Dated: Mar 8, 2018 1:37 PM



**Instructions to recipient:** If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

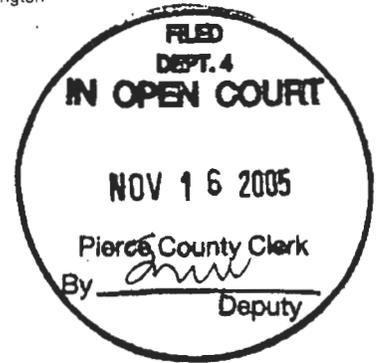
<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,  
enter SerialID: B3B29E0B-C663-4EB7-A8B6AE90FE7A9E08.

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"**



04-1-01018-8 28030528 STTDFG 08-24-08



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

Steven O. STANSETT and Mary Kay High

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

Count I: Murder 1<sup>st</sup> - 9A.32.030 (1)(c)

The elements are: Acting as an accomplice, in the State of WA, between 2/24: 2/26/04, did unlawfully & feloniously, while attempting to commit Robbery 1<sup>st</sup>, Theft 1<sup>st</sup> and

Arson 2<sup>nd</sup> and in the course of or immediate flight therefrom suffocated R. Shapel, thereby causing his death, and in the commission thereof defendant, as an accomplice was armed with  
This crime carries a maximum sentence of life years imprisonment and a \$ 50,000 fine. The standard range is from 5291 months to 388 months based upon the attached stipulation as to my criminal history.

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

Count II: Robbery 1<sup>st</sup>

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

Mr. Shapel was not a participant in the crime.

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

STATEMENT OF DEFENDANT  
ON PLEA OF GUILTY - I

Case Number: 04-1-01018-9 Date: March 8, 2018  
SerialID: 91ED3F4E-7766-4A73-BECB1968851DB26F  
Certified By: Kevin Stock Pierce County Clerk, Washington

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  Serious Violent  Violent  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
M10 1	291-388	100 (F)	331-448 <del>117-135</del>	24-48	life / \$50,000 fine
R10 3	57-75	60 (F)	117-135	18-36	life / \$50,000 fine

\_\_\_\_\_ Additional counts are addressed in Attachment "B".

STATEMENT OF DEFENDANT  
ON PLEA OF GUILTY - 2

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 <sup>4</sup> ~~3~~: Arson in the second degree (RCW 9A.48.030)

Elements: Acting as a principal or an accomplice to 1.1 to find, 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  Non-Violent [ ] Sex [ ] Drug [ ] Traffic [ ] (check all that apply)

Count <sup>5</sup> ~~4~~: Theft in the first degree (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  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 <del>3</del> 4	22-29		22-29	18-36 mo.	10 yrs / 20,000 fine
Theft 1 <del>4</del> 5	4-12		4-12	up to 1yr.	10 yrs / 20,000

ATTACHMENT "B"

- (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 recommend 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 have 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.

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 if 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, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; and I will be subject to all of the conditions described in paragraph (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.

- (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 1<sup>st</sup> 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 of 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

STATEMENT OF DEFENDANT  
ON PLEA OF GUILTY - 6

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, II, III, IV & V~~ <sup>Amended</sup> in the \_\_\_\_\_ Information. I have received a copy of that information. *(alternative charge of M11° in et 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 24<sup>th</sup> 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, was an accomplice to the suffocation death of B. Shapel. I was also armed with a firearm. On or about Feb 24-25 2005, I also participated in a robbery of property from Mr. Shapel.*

*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.*

*On or about Feb 24-25 2005, I was an accomplice to a arson fire that destroyed a Snap-on Tool truck.*

- [ ] 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.

*[Signature]*  
Defendant

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

*[Signature]*  
Defendant's Lawyer  
WSBA # 20123      WSBA # 8996

Approved for entry:

*[Signature]*  
Prosecuting Attorney  
WSBA # 15738

STATEMENT OF DEFENDANT  
ON PLEA OF GUILTY - 7

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.

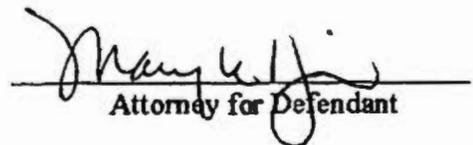
(cc) Public assistance will be suspended during any period of imprisonment.

(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

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  
Byron Chubb  
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 \_\_\_\_\_, \_\_\_\_\_



\_\_\_\_\_  
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 08 day of March, 2018



Kevin Stock, Pierce County Clerk

By /S/Jessica Hite, Deputy.

Dated: Mar 8, 2018 1:37 PM



**Instructions to recipient:** If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

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**APPENDIX "C"**



1 and feloniously, while committing or attempting to commit the crime of Robbery in the First Degree, and  
2 in the course of or in furtherance of said crime or in immediate flight therefrom, suffocated Robert  
3 Shapel, and thereby causing the death of Robert Shapel, a human being, not a participant in such crime,  
4 on or about the 24th day of February, 2004, contrary to RCW 9A.32.030(1)(c), and in the commission  
5 thereof the defendant, or an accomplice, was armed with a firearm, to-wit: a handgun, that being a firearm  
6 as defined in RCW 9.41.010, and invoking the provisions of RCW 9.94A.310/9.94A.510, and adding  
7 additional time to the presumptive sentence as provided in RCW 9.94A.370/9.94A.530, and against the  
8 peace and dignity of the State of Washington.

COUNT III

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

11 That WILLIAM CRAIG SCHORR, acting as an accomplice, in the State of Washington, during  
12 the period between the 24th day of February, 2004 and the 25th day of February, 2004, did unlawfully  
13 and feloniously take personal property belonging to another with intent to steal from the person or in the  
14 presence of Robert Shapel, the owner thereof or a person having dominion and control over said property,  
15 against such person's will by use or threatened use of immediate force, violence, or fear of injury to  
16 Robert Shapel, said force or fear being used to obtain or retain possession of the property or to prevent or  
17 overcome resistance to the taking, and in the commission thereof, or in immediate flight therefrom,  
18 defendant, or an accomplice, was armed with a deadly weapon, to-wit: a handgun, contrary to RCW  
19 9A.56.190 and 9A.56.200(1)(a)(i), and in the commission thereof the defendant, or an accomplice, was  
20 armed with a firearm, to-wit: a handgun, that being a firearm as defined in RCW 9.41.010, and invoking  
21 the provisions of RCW 9.94A.310/9.94A.510, and adding additional time to the presumptive sentence as  
22 provided in RCW 9.94A.370/9.94A.530, and against the peace and dignity of the State of Washington.

COUNT IV

20 And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the  
21 authority of the State of Washington, do accuse WILLIAM CRAIG SCHORR of the crime of ARSON IN  
22 THE SECOND DEGREE, a crime of the same or similar character, and/or a crime based on the same  
23 conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or  
24 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:

1 That WILLIAM CRAIG SCHORR, acting as an accomplice, in the State of Washington, during  
2 the period between the 24th day of February, 2004 and the 25th day of February, 2004, did unlawfully,  
3 feloniously, knowingly, and maliciously cause a fire or explosion which damaged a Snap-On Tools truck,  
4 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

5 And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the  
6 authority of the State of Washington, do accuse WILLIAM CRAIG SCHORR of the crime of THEFT IN  
7 THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same  
8 conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or  
9 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:

10 That WILLIAM CRAIG SCHORR, acting as an accomplice, in the State of Washington, during  
11 the period between the 24th day of February, 2004 and the 25th day of February, 2004, did unlawfully,  
12 feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than  
13 a firearm, to-wit: various tools, belonging to the 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.

14 DATED this 16th day of November, 2005.

15 PIERCE COUNTY SHERIFF  
16 WA02700

GERALD A. HORNE  
Pierce County Prosecuting Attorney

17 gtc

18 By:   
19 GERALD T. COSTELLO  
20 Deputy Prosecuting Attorney  
21 WSB#: 15738



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 08 day of March, 2018



Kevin Stock, Pierce County Clerk

By /S/Jessica Hite, Deputy.

Dated: Mar 8, 2018 1:49 PM



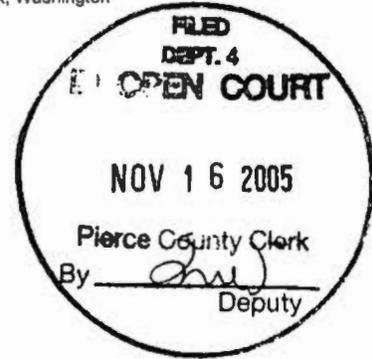
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enter SerialID: 1C1D8DFF-8D89-42DE-9B3B8D9BC0F9DD3E.

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## **APPENDIX "D"**

Case Number: 04-1-01018-9 Date: March 8, 2018  
SerialID: 7ED1F19F-40E5-48ED-9C37127B0967A9C2  
Certified By: Kevin Stock Pierce County Clerk, Washington



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-01018-9

vs.

WILLIAM CRAIG SCHORR,

PLEA AGREEMENT

Defendant.

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**

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

6 2. Prosecution's filing of amended information. After completion and acceptance of  
7 defendant's proffer, the prosecutors agree to file an amended information, contingent on the  
8 court accepting a valid guilty plea to the amended information, charging defendant with the  
9 following offenses: 1) Murder in the first degree, with a firearm sentencing enhancement; 2)  
10 Robbery in the first degree, with a firearm sentencing enhancement; 3) Arson in the second  
11 degree and 4) Theft in the first degree. The information will allege that the murder was  
12 committed by the alternative means of premeditated murder and/or felony murder predicated on  
13 robbery in the first degree. A plea to the amended information eliminates the possibility that  
14 defendant will be subject to the death penalty or a sentence of life without the possibility of  
15 parole.  
16

17 3. Guilty Plea. Defendant must successfully enter a guilty plea to the crimes in the amended  
18 information. Defendant shall not enter a plea pursuant to North Carolina v. Alford, 400 U.S.  
19 25(1970), but provide a factual basis for each of his crimes. The parties recognize that defendant  
20 will complete a "Statement of defendant on plea of guilty" in conjunction with defendant's plea  
21 that will contain advisement as to the important rights defendant will be waiving by entering his  
22 guilty plea, as well as advisement as to the many consequences, direct and indirect, of his guilty  
23 plea. If the court accepts defendant's guilty plea, then the contents of the completed Statement  
24 of defendant on plea of guilty shall be incorporated into this agreement by reference and  
25

1 considered with this document as setting forth the entirety of the agreement between the parties.

2 If the court does not accept the guilty plea the amended information will be withdrawn. If the  
3 court does not accept the amended information or the defendant's guilty plea then the remaining  
4 paragraphs of this agreement are void and not binding upon either party.

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

8 5. Defendant's continuing obligation to cooperate and be truthful. After making an offer of  
9 proof and entering his guilty plea, defendant will provide complete and truthful information at all  
10 times to the prosecutors, to Pierce County Sheriff's Department detectives, and to defense  
11 counsel for Jeremy Hosford and/or his investigator, or other persons designated by the  
12 prosecutor, regarding defendant's knowledge of the circumstances surrounding the murder of  
13 victim Shapel, and regarding other crimes and circumstances occurring in connection with or  
14 close in time to the murder. Defendant must cooperate when needed for interviews and/or trial  
15 preparation by a prosecutor or a Sheriff's Department detective, at a time and location designated  
16 by them. Defendant will agree to be tape-recorded, if requested by law enforcement personnel.  
17 Defendant must cooperate when requested by a prosecutor to participate in any interview with  
18 Jeremy Hosford's attorneys or investigator. Defendant may agree to be tape-recorded in a  
19 defense interview, but that is not required as part of this agreement. Defendant's attorneys shall  
20 be notified and have the right to be present for all interviews, by any persons. Defendant  
21 understands and agrees that his breach of any provision of Section 5 will constitute a material  
22 breach of this agreement.  
23  
24  
25

1 6. Polygraph. Defendant must submit to a polygraph test, if requested by the prosecutors, to  
2 assist the prosecutors in determining the truthfulness of his potential trial testimony. If a  
3 polygraph test is requested, the polygraph operator will be selected by the prosecutors.

4 Prosecutors will consult with defendant's attorneys in an effort to use a mutually agreeable  
5 polygrapher.

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

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

17 9. Testimony. Defendant must testify, fully and truthfully, at any trial or retrial of Jeremy  
18 Hosford in Pierce County Cause number 04-1-01017-1. Defendant understands and agrees that  
19 his breach of any provision of Section 9 will constitute a material breach of this agreement.  
20

21 10. Sentencing range. The parties agree that after pleading guilty to the charges identified in  
22 this agreement in paragraph 2, the defendant's standard sentencing range would be from 291  
23 months to 388 months on the murder, the crime with the highest seriousness level. By statute,  
24 the sentences on the other charges would run concurrently to the sentence on the murder. The  
25

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

4 Defendant further acknowledges that, by statute, time imposed for weapons enhancements may  
5 not be reduced by any type of "good time" credit.

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

15  
16 12. Waiver of appeal and collateral attack. Defendant understands that the law or  
17 consequences surrounding the death penalty or the charge of Aggravated Murder in the first  
18 degree may change by future legislative, executive or judicial action. Nevertheless, defendant  
19 knowingly and voluntarily enters into this agreement at this time because he wants to take  
20 responsibility for his criminal action and because he wants to eliminate the possibility that he  
21 might face execution. Defendant agrees to waive any right to pursue an appeal, in state or  
22 federal court, of any convictions and/or sentences decreed or imposed pursuant to this  
23 agreement. Defendant also waives his right to collaterally attack or make any post conviction  
24 challenge to his convictions and/or sentences in either state or federal court under the  
25

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

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

13 14. Breach. Defendant can breach this agreement by failing to perform an act that the  
14 agreement requires or by performing an act that the agreement forbids. If defendant becomes  
15 uncooperative during the pre-trial preparations, he is in breach of the agreement; defendant's  
16 counsel shall be allowed a brief period of time, not to exceed 24 hours, in which to persuade  
17 defendant to come into compliance with the terms of the agreement. If defendant becomes  
18 uncooperative during Hosford's trial proceedings, he is in breach and is not entitled to any time  
19 period in which to come into compliance. Defendant is under a continuing obligation to be  
20 truthful, as defined in paragraph 1, in giving any statement pursuant to this agreement and failure  
21 to be truthful is a breach of this agreement. The following events establish that defendant is in  
22 breach of his obligation to be truthful: 1) giving inconsistent statements regarding material facts  
23 in any statement made pursuant to this agreement; 2) the conclusion of the polygrapher that  
24  
25

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

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

18 16. Modification of recommendation based on breach. If the State has cause to modify its  
19 sentencing recommendation and opts to do so, it shall file a notice of intention to modify its  
20 recommendation. The notice shall state the basis for modification of the sentencing  
21 recommendation and provide supporting declarations and other documentation, if any.  
22 Defendant's counsel must file, within one week, a written response, with supporting  
23 documentation if defendant wants to dispute that he has breached the agreement. Failure to file a  
24  
25

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

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

10 18. Rescission remedy. If the State has filed a motion to rescind the agreement and the court  
11 determines that defendant has breached the agreement, it will invalidate the agreement, vacate  
12 defendant's guilty pleas, and enter an order invalidating the amended information filed in  
13 conjunction with that plea. Then the State may prosecute the defendant for all offenses  
14 originally charged. Defendant further agrees and specifically acknowledges that if his guilty  
15 pleas are set aside the State may seek a special sentencing proceeding to determine whether  
16 capital punishment should be imposed. Pursuant to Evidence Rule 410, the prosecutors may not  
17 introduce any of defendant's statements made during his proffer, the hearing on the taking of his  
18 guilty plea or in the statement of defendant on plea of guilty in any criminal or civil prosecution.  
19 However, defendant understands that the prosecutor may use any other evidence obtained,  
20 derived, directly or indirectly, from defendant's actions undertaken pursuant to this agreement,  
21 including any evidence of any kind discovered or recovered as a result of defendant's statements.  
22 If the court does not find a breach the agreement will remain in effect.  
23  
24  
25

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

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

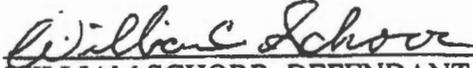
7 21. Promises. No one has made any threats of any kind to defendant or to any other person  
8 to cause him to enter into this agreement. No person has made promises of any kind to cause the  
9 defendant to enter into this agreement except as set forth herein. No additional promises,  
10 agreements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

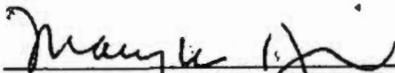
12 22. Declaration by defendant's counsel. Prior to the entry of the defendant's guilty plea, each  
13 of defendant's attorneys shall provide the prosecution a declaration under penalty of perjury as  
14 to: 1) the thoroughness of his or her review of this agreement with defendant; 2) his or her belief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

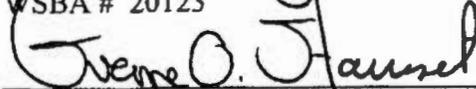
19 23. Parties bound. The agreement binds defendant, his attorneys, and the Pierce County  
20 Prosecuting Attorney's Office. Changes in the deputy prosecutors assigned to the case or to the  
21 attorneys representing defendant shall have no impact on the binding nature of this agreement.  
22  
23  
24  
25

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

Case Number: 04-1-01018-9 Date: March 8, 2018  
SerialID: 7ED1F19F-40E5-48ED-9C37127B0967A9C2  
Certified By: Kevin Stock Pierce County Clerk, Washington

## 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.

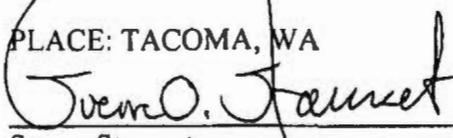
Defendant's Sound Mental State: During my contact with the defendant I have never seen any indication that he suffers from any mental disease or defect. During consultations with my colleagues who also represent the defendant or work with the defense team, none of them have mentioned observing any signs 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 Staurset

ORIGINAL

Case Number: 04-1-01018-9 Date: March 8, 2018  
SerialID: 7ED1F19F-40E5-48ED-9C37127B0967A9C2  
Certified By: Kevin Stock Pierce County Clerk, Washington

## 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.

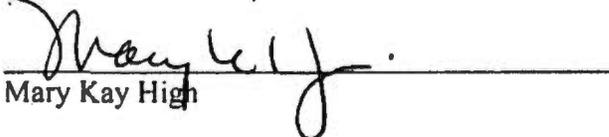
Defendant's Sound Mental State: During my contact with the defendant I have never seen any indication that he suffers from any mental disease or defect. During consultations with my colleagues who also represent the defendant or work with the defense team, none of them have mentioned observing any signs 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: 11/16/05

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 08 day of March, 2018



Kevin Stock, Pierce County Clerk

By /S/Jessica Hite, Deputy.

Dated: Mar 8, 2018 1:49 PM



**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: 7ED1F19F-40E5-48ED-9C37127B0967A9C2.

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 "E"**

APPELLATE DIVISION  
COPY RECEIVED

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COURT OF APPEALS  
DIVISION II

FEB 03 2016

2017 JAN 3 PM 1:18  
STATE OF WASHINGTON

PIERCE COUNTY  
PROSECUTING ATTORNEY

BY \_\_\_\_\_  
DEPUTY

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

In re the Personal	)	
Petition of,	)	
	)	No.
William Craig Schorr,	)	
	)	PERSONAL RESTRAINT
Petitioner,	)	PETITION
-----	)	

A. STATUS OF PETITIONER

I, William Craig Schorr apply for relief from confinement. I am now in custody serving a sentence upon a conviction of a crime.

1. The Court in which I was sentenced is Pierce County Superior Court Cause No. 04-1-01018-9.

2. I was convicted of the crimes of first degree murder (count I), first degree robbery (count III), second degree arson (count IV), and first degree theft (count V).

3. I was sentenced after plea of guilty on 8/21/06. The judge who imposed sentence was Bryan Chushcoff.

4. My lawyer at trial was Mary K. High

5. I did not appeal from the decision of the trial COURT.

6. Since my conviction I have not asked a court for any relief.



see In re Pers Restraint of Francis, 170 Wn.2d 517, 242 P.3d 869 (citing State v. Knight, 162 Wn.2d 806, 174 P.3d 1167 (2008)).

Indeed, a guilty plea does not waive a challenge to the "very power of the State to bring the defendant into the court to answer the charge brought against him." Id. (quoting Blackledge v. Perry, 417 U.S. 21, 90 S.Ct. 2098 (1974)). Nor does it waive a challenge when the court enters multiple convictions or sentences for the same offense. In re Pers. Restraint of Francis, 170 Wn.2d 523, 242 P.3d 869 (citing State v. Hughes, 166 Wn.2d 675, 212 P.3d 558 (2009)).

Here, like Francis, Schorr challenges the latter, "the court ability to enter convictions and sentence him for duplicative charges. He therefore, did not waive that challenge by pleading guilty. Francis, 170 Wn.2d at 523.

**E. STATEMENT OF FINANCES**

A statement of finances is attached in the Appendix.

**F. REQUEST FOR RELIEF**

I want this court to vacate counts III and V. Vacate the 60 month enhanced sentence on count III and remand to the trial court for re-sentencing under an offender score of 1.



GROUND ONE

1. In this Personal Restraint Petition (PRP), Schorr contends, a felony murder premised on first degree robbery and first degree theft merges with the murder offense and because the trial court treated each count as a separate unit of prosecution for sentencing purposes Schorr's rights under Article I section 9 and the Fifth Amendment to the United States Constitution, which forbids multiple convictions and sentences for the same offense, has been violated.

2. The following facts are important when considering Mr. Schorr's case.

Trial counsel advised Schorr that he should agree to the States offered plea agreement. In exchange for his agreement to plea guilty the State would recommend standard range sentencing based on an offender score of 5, 60 month enhanced sentences on counts I and III, and other sentencing conditions.

On November 16, 2005, under the advisement of counsel, Schorr appeared before the court and plead guilty consistent with the State's plea offer. see Appendix (A).

As to count I the elements are as follows.

"Acting as an accomplice, in the State of Washington, between 2/24/04 - 2/26/04, did unlawfully and feloniously, while attempting to committ robbery I, theft I, and arson II and in the course of or immediate flight therefrom sufficated R. Shapel, thereby causing his death, and in the commission thereof defendant or an accomplice was armed with firearm"

As to count III the elements are as follows.

"Acting as an accomplice, in the State of Washington, between 2/24/04 - 2/26/04, did unlawfully and feloniously take personal property belonging to Robert Shapel, owner and person with dominion and control over it, took said property by use of violence, and while in commission thereof defendant or an accomplice was armed with a firearm."

Appendix (A) at 1

Schorr also plead guilty to the additional counts. Second Degree Arson, (count IV) and First Degree Theft, (count V). Appendix (A) attachment B.

As to count IV the elements are as follows.

"Acting as a principle or an accomplice did unlawfully, feloniously, knowingly, and maliciously cause a fire or explosion which damaged a snap on tool truck in Pierce County Wa. on or about 2/25/04"

As to count V the elements are as follows.

"Acting as an accomplice during the period of time between 2/24/04 - 2/25/04 did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property belonging to"

The trial court asked the petitioner to explain what he did that made him guilty of these crimes.

PERSONAL RESTRAINT PETITION OF  
SCHORR GROUND ONE - 2

SUBMITTED BY  
REGINALD BELL/LEGAL ADVISOR

Schorr made the following statement.

"On the 24 day of February 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 thereof, was an accomplice to the suffocation death of R. Shapel. I was also armed with a firearm."

Appendix (A) at 7.

On August 21, 2006 the trial court held a sentencing hearing. At the time of sentencing Schorr had no criminal history. The sentencing court counted the first degree robbery and second degree arson as 2 full points each because they were violent offenses. It proceeded to count the first degree theft as 1 full point that brought the total for Schorr's other current convictions to "5". The court sentenced Schorr to a standard range sentence on each count. The court found special findings for use of a firearm on counts I and III and imposed an additional 60 months sentence to be served consecutive to the base crimes and consecutive to each other for an actual number of 411 months of total confinement. Appendix (B) at 4.12.

3. IS PETITIONER ENTITLED TO RELIEF

To obtain collateral relief by means of (PRP) a petitioner must demonstrate unlawful restraint.

RAP 16.4(a).  
PERSONAL RESTRAINT PETITION OF  
SCHORR GROUND ONE - 3

SUBMITTED BY  
REGINALD BELL/LEGAL ADVISOR

In addition, where an alleged error is constitutional in nature, a petitioner must establish not only constitutional error but also, actual and substantial prejudice. Haverty, 101 Wn.2d at 504. "A petitioner is under restraint if he or she has limited freedom because of a court decision in a civil or criminal proceeding, the petitioner is confined, the petitioner is subject to imminent confinement, or the petitioner is under some disability resulting from a judgment or sentence in a criminal case. RAP 16.4(b). Here, Schorr meets the restraint requirement due to he has limited freedom because of the courts decision in a criminal conviction.

Schorr contends that his restraint is unlawful because his convictions violates the prohibition against multiple convictions and punishments for the same offense. RAP 16.4(c)(2) In re Pers. Restraint of Davis, 142 Wn.2d 165, 12 P.3d 603 (2000) ("The double jeopardy protections under U.S. Const. amend V and Wash. Const. art I sec. 9 provides the same protections"). State v. Freeman, 153 Wn.2d 765, 108 P.3d 753 (2005) ("a court entering multiple convictions for the same offense violates double jeopardy"). RAP 16.4(c)(2).

PERSONAL RESTRAINT PETITION OF  
SCHORR GROUND ONE - 4

SUBMITTED BY  
REGINALD BELL/LEGAL ADVISOR

The standard for determining whether a court has entered multiple convictions for the same offense, under the facts of this case, the merger doctrine is the most compelling consideration to determine legislative intent. In re Pers. Restraint of Francis, 170 Wn.2d 542, 242 P.3d 870; Ill v. Vitale, 447 U.S. 410, 65 L.Ed.2d 228.

The state charged the robbery and theft as elements of the felony murder. Appendix (A) at 1(4)(b). The state expressly used the robbery and theft conduct to elevate Schorr's murder to the first degree. The facts of this case is Schorr took personal property, e.g., "tools", with the intent o deprive Shapel of ~~of~~ his property and took said property by use of violence. The state charged that conduct as both first degree ~~and~~ robbery, Appendix (A) at 1((4)(b) count III, and first degree theft. Appendix (A) at attachment B(4)(b) count V. The state also used that conduct to elevate Schorr's felony murder to the first degree. Appendix (A) at (4)(b) Count I.

Under the merger doctrine when the degree of one offense is raised by conduct separately criminalized by the legislature, Washington Courts presume the legislature intended to punish both offenses through a greater sentence for the greater crime. Francis, at 525

(citing State v. Freeman, 153 Wn.2d at 772-73). This conclusion is further supported by the final Freeman consideration of whether the offenses Schorr committed had an independent purpose or effect. Id. ("offenses may in fact be separate when there is a separate injury to the person or property of the victim or others, which is separate and distinct from and not merely incidental to the crime of which it forms an element"). Id at 778-79 (quoting State v. Frohs, 83 Wn.App 803, 924 P.3d 384 (1996)).

Here, the sole purpose of the theft and robbery was to take Shapel's property. The theft was not separate and distinct from the robbery. Likewise, "the killing had no purpose or intent outside of accomplishing the robbery." Washington Courts has already held double jeopardy precluded convictions on the robbery charged because the robbery merges into the felony murder. see State v. Williams, 131 Wn.App 488. 128 P.3d 98 (2006) State v. Vladic, 99 Wn.2d 413, 662 P.2d 853. In re Francis, 170 Wn.2d 528, 242 P.3d 872. Ill v. Vitale, 447 U.S. 410, 65 L.ED.2d 228 ("thus a felony murder premised on the felony of rape merges with the rape offense despite the fact that the felony murder statute authorizes conviction based on felonies other than rape").

Because Schorr's first degree theft and robbery convictions merges and because his first robbery conviction merges with his felony murder convictions the trial courts imposition of multiple convictions and sentences violates the prohibition against entering multiple convictions for the same offense. Thus, Schorr is unlawfully restrained. State v. Freeman, 153 Wn.2d 765, 108 P.3d 752 (2005).

Schorr suffers actual and substantial prejudice as a result of the trial courts constitutional error because, as previously noted, Schorr offender score at the time of sentencing was "0". The trial court not only used the predicate offenses to enhance Schorr conduct into a greater offense it also used them to compute his offender score and enhance his sentencing standard range. Minus the robbery and theft convictions Schorr offender score would have computed to only 2. this is so because the arson was separate and distinct from the felony murder and by it being a violent offense it would count as 2 points. An offender score of 2 based upon a seriousness level XIV offense affords a standard sentencing range of <sup>261-347</sup>~~144-244~~. Moreover, the court also imposed a 60 month firearm enhanced sentence on the

PERSONAL RESTRAINT PETITION OF  
SCHORR GROUND ONE - 7

SUBMITTED BY  
REGINALD BELL/LEGAL ADVISOR

robbery conviction.

Therefore, Schorr received a double firearm enhanced penalty and his sentencing range doubled.

4. The following statutes and constitutional provision are important when considering Schorr's case. RCW 9A.32.030(1)(a), RCW 9A.56.190, RCW 9.94A.525, RCW 10.73.100(3), RAP 16.4(c)(2), RAP 16.4(a), art. I sec. 9, U.S. CONST. AMEND V, XIV

APPENDIX (A)  
STATEMENT OF DEFENDANT  
ON PLEA OF GUILTY



04-1-01018-8 26030528 STTDFG 08-24-08



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

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-01018-9

vs.

STATEMENT OF DEFENDANT ON  
PLEA OF GUILTY

William CRAIG Schorr

Defendant.

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 Doreen O. STANSET and Mary Kay High

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

Count I: Murder 1<sup>st</sup> - 9A.32.030 (1)(c)

The elements are: Acting as an accomplice, in the State of WA, between 2/24: 2/26/04, did unlawfully & feloniously, while attempting to commit Robbery 1<sup>st</sup> and

Arson 2<sup>nd</sup> and in the course of or immediate flight therefrom suffocated R. Shapel, thereby causing his death, and in the commission thereof  
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  Serious Violent  Violent   
Non-Violent  Sex  Drug  Traffic  Check all that apply.

Count II: Robbery 1<sup>st</sup>

Elements: During periods 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 accomplice was armed with a fire arm, which firearm enhances the sentence under the deadly weapon enhancement provisions.

Mr. Shapel was not a participant in the crime.

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

STATEMENT OF DEFENDANT  
ON PLEA OF GUILTY - 1

Case Name: State v. Schorr Cause No: 64-1-01018-9

ATTACHMENT "B"

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

Count ~~4~~ <sup>4</sup>: Arson in the second degree (RCW 9A.48.030)  
 Elements: Acting as a principal or an accomplice to, I, the defendant, 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 7/25/04.  
 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[ ] Non-Violent[ ] Sex[ ] Drug[ ] Traffic[ ] (check all that apply)

Count ~~5~~ <sup>5</sup>: Theft in the first degree (RCW 9A.56.030 (1)(a) (RCW 9A.56.020(1)(a))  
 Elements: acting as an accomplice, in the State of Washington, during the period of time between 7/24/04 + 7/25/04 did unlawfully, feloniously and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to wit tools belonging to ~~owner of tools~~ <sup>saw the</sup> 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[ ] 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 <del>4</del> <sup>4</sup>	22-29		22-29	18-36 mo.	10 yrs / \$20,000 fine
Theft 1 <del>5</del> <sup>5</sup>	4-12		4-12	up to 1yr.	10 yrs / \$20,000

ATTACHMENT "B"

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  Serious Violent  Violent  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
M10 1	291-388	100 (F)	<del>141-508</del> 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".

STATEMENT OF DEPENDANT  
 ON PLEA OF GUILTY - 2

- (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 lose in*
- (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. *The same quality*
- (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.

STATEMENT OF DEFENDANT  
ON PLEA OF GUILTY - 4

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.

STATEMENT OF DEFENDANT  
ON PLEA OF GUILTY - 5

- (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 1<sup>st</sup> 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 of 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

STATEMENT OF DEFENDANT  
ON PLEA OF GUILTY - 6

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~~ <sup>Amended</sup> in the \_\_\_\_\_ Information. I have received a copy of that information. *(Alternative charge of M1° in et 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 24<sup>th</sup> 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, was an accomplice to the suffocation death of B. Shapel. I was <sup>also</sup> armed with a firearm. On or about Feb 24-25 2005, I also participated in a robbery of property from Mr. Shapel.*

*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.*

*On or about Feb 24-25 2005, I was an accomplice to a arson fire that destroyed a Snap-on Tool truck. These events took place in Pierce County WA.*

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

*[Signature]*  
Defendant

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

*[Signature]*  
Defendant's Lawyer  
WSBA # 20123      WSBA # 8996

Approved for entry:

*[Signature]*  
Prosecuting Attorney  
WSBA # 15738

STATEMENT OF DEFENDANT ON PLEA OF GUILTY - 7

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.

Troyer Chubbett  
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 \_\_\_\_\_.

\_\_\_\_\_  
Interpreter



## 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:

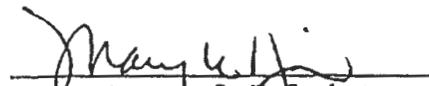
(bb) I understand that I will be ineligible to vote until that right is restored in a manner described in RCW 10.64 \_\_\_\_ [2005 Wash. Laws 246 § 1]. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.

(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

APPENDIX (B)  
JUDGMENT AND SENTENCE

04-1-01018-9



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-01018-9

vs.

JUDGMENT AND SENTENCE (JS)

WILLIAM CRAIG SCHORR

Defendant.

- Prison
- Jail One Year or Less
- First-Time Offender
- SSOSA
- DOSA
- Breaking The Cycle (BTC)

AUG 24 2006

SID: WA15283769  
DOB: 12/30/1974

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  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

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

04-1-01018-9

[ ] 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 Courts 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<sup>75</sup>

Restitution to: SEE SEPARATE RESTITUTION ORDER

\$

Restitution to:

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

JUDGMENT AND SENTENCE (JS)  
(Felony) (6/19/2003) Page 2 of 9

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

04-1-01018-9

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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 \$ 110.00 ~~200.00~~ Criminal Filing Fee  
FCM \$ \_\_\_\_\_ Fine

## OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

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

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

\$ 3,543.75 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): \_\_\_\_\_

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:

Empty rectangular box for additional information.

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 60 months on Count No III

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.

04-1-01018-9

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,

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: \_\_\_\_\_

04-1-01018-9

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 AMENDMENTS.** 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,

04-1-01018-9

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  
**BRYAN CHUSHCOFF**

Gerald Costello

Deputy Prosecuting Attorney

Print name: GERALD COSTELLO

WSB # 15738

Mary K. High

Attorney for Defendant

Print name: Mary K. High

WSB # 20123

William Schorr

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: \_\_\_\_\_



04-1-01018-9

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**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

04-1-01018-9

IDENTIFICATION OF DEFENDANT

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

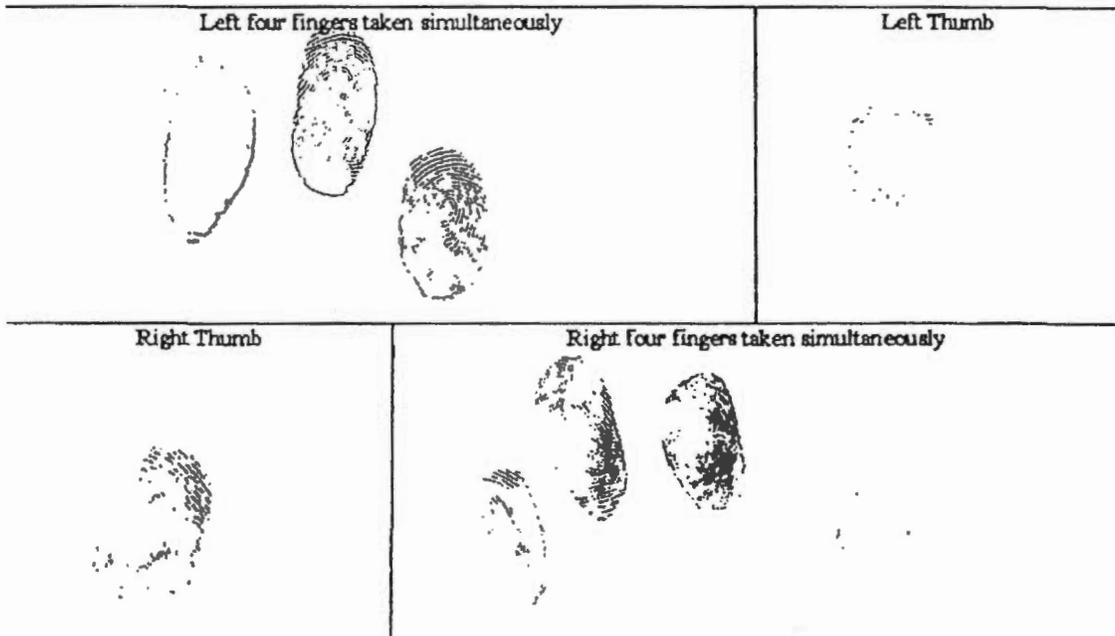
FBI No. 789501HB8 Local ID No. NONE

PCN No. 538058084 Other

Alias name, SSN, DOB: \_\_\_\_\_

Race:					Ethnicity:		Sex:		
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	Islander		American						
<input type="checkbox"/>	Native American	<input type="checkbox"/>	Other: :	<input checked="" type="checkbox"/>	Non-	<input type="checkbox"/>	Female		
					Hispanic				

FINGERPRINTS



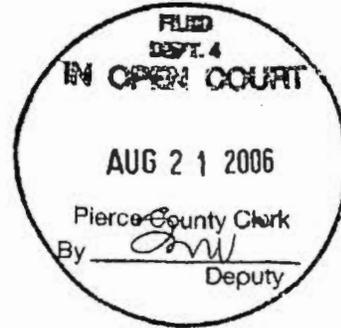
I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk *Sharon W. W...* Dated: 8-21-06

DEFENDANT'S SIGNATURE: *[Signature]*

DEFENDANT'S ADDRESS: \_\_\_\_\_



04-1-01018-8 26030744 JDSWCD 08-24-08



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: 04-1-01018-9

AUG 24 2006

vs.

WILLIAM CRAIG SCHORR,

Defendant.

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).

04-1-01018-9

[ ] 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  
[Signature]  
JUDGE  
KEVIN STOCK  
CLERK.  
By: [Signature]  
DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF  
AUG 24 2006  
Date \_\_\_\_\_ By: [Signature]

FILED  
AUG 24  
IN CLERK COURT  
AUG 21 2006  
Pierce County Clerk  
By: [Signature]  
Deputy

STATE OF WASHINGTON  
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

04-1-01018-9

APPENDIX "F"

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

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

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-dependant  
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: \_\_\_\_\_

**APPENDIX "F"**

May 16 2017 2:08 PM

KEVIN STOCK

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

**DIVISION II**

FILED  
COURT OF APPEALS  
DIVISION II  
2017 MAY 16 AM 9:24  
STATE OF WASHINGTON  
BY \_\_\_\_\_  
DEPUTY

In the Matter of the Personal Restraint of:

WILLIAM CRAIG SCHORR,

Petitioner.

No. 49853-7-II

ORDER DISMISSING PETITION

William Schorr seeks relief from personal restraint imposed following his 2006 pleas of guilty to first degree murder, first degree robbery, second degree arson and first degree theft. He argues that his murder, robbery and theft convictions merge and so the separate convictions violate double jeopardy.

RCW 10.73.090(1) provides:

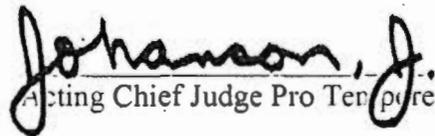
No petition or motion for collateral attack on a judgment and sentence in a criminal case may be filed more than one year after the judgment becomes final if the judgment and sentence is valid on its face and was rendered by a court of competent jurisdiction.

Schorr's judgment and sentence became final on August 21, 2006, when the trial court entered it. RCW 10.73.090(3)(a). He did not file his petition until December 29, 2016, more than one year later. Unless he shows that one of the exceptions in RCW 10.73.100 applies or shows that his judgment and sentence is facially invalid, his petition is time-barred. *In re Personal Restraint of Hemenway*, 147 Wn.2d 529, 532-33, 55 P.3d 615 (2002).

Schorr does not demonstrate that his judgment and sentence is facially invalid. He argues that his petition is exempt from the time-bar under RCW 10.73.100(3), which exempt petitions in which a conviction violates double jeopardy. But Schorr's plea of guilty was part of a plea agreement in which the State agreed to reduce his charges from seven counts, including aggravated first degree murder and three firearm sentencing enhancements, to the four counts described above. In exchange, Schorr agreed to "waive[] his right to collaterally attack or make any post-conviction challenge to his convictions and/or sentences in either state or federal court." Having waived his right to collaterally attack his judgment and sentence, he cannot demonstrate that his petition falls within the time-bar under RCW 10.73.100(3). Therefore, his petition must be dismissed as untimely. It is hereby

ORDERED that Schorr's petition is dismissed under RAP 16.11(b).

DATED this 16<sup>th</sup> day of May, 2017.

  
Acting Chief Judge Pro Tempore

cc: William C. Schorr  
Chelsey Miller  
Pierce County Clerk  
County Cause Nos. 04-1-01018-9

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 08 day of March, 2018



Kevin Stock, Pierce County Clerk

By /S/Jessica Hite, Deputy.

Dated: Mar 8, 2018 1:49 PM



**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: A349B5E7-3A66-4FA4-8328B647B7626654**.

This document contains 2 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 "G"**

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APPELLATE DIVISION  
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JUN 06 2017

PIERCE COUNTY  
PROSECUTING ATTORNEY

JUN 2 2017

WASHINGTON STATE  
SUPREME COURT

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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In re the Personal Restraint Petition of

WILLIAM CRAIG SCHORR,

Petitioner,

94591-8

COA No. 49853-7-II

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MOTION FOR  
DISCRETIONARY REVIEW

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---

Respectfully submitted by

Inmate legal Advisor  
Sir Reginald Bell, Sr.,

---

WILLIAM CRAIG SCHORR  
COYOTE RIDGE CORRECTION CENTER  
P.O. BOX 769  
CONNELL, WA. 99326

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CONSTITUTIONAL PROVISION

U.S. CONST. AMEND V  
 WASH CONST. ART I SEC 9

STATUTES

RCW 10.73.100(3)  
 RCW 9A.32.030(1)(e)  
 RAP 16.4(e)(2)  
 RAP 13.4(b)(3)

A. IDENTITY OF PETITIONER

William Craig Scherr, ask this court to review the decision of the Court of Appeals designated in part B.

B. COURT OF APPEALS DECISION

On May 16, 2017, the Acting Chief judge dismissed Mr. Scherr's personal restraint petition as time barred because, although the petition fell within one of the exceptions in RCW 10.73.100, he waived his right to postconviction challenge the erroneous sentence imposed by the trial court. A copy of the order dismissing the petition is in the Appendix at 1 through 2.

C. ISSUES PRESENTED FOR REVIEW

1. Is multiple sentences for the greater and lesser included offense authorized under RCW 9A.32.030(1)(c)? and if not, does an otherwise valid appeal waiver and the invited error doctrine preclude an attack on an erroneous sentence?
2. And if not, is Mr. Scherr petition time barred where he has shown that RCW 10.73.100(3) applies to his case?

D. STATEMENT OF THE CASE

1. Procedural facts

Defendant Scherr was charged with first degree felony murder, first degree aggravated murder, first kidnapping, first degree robbery, first degree theft, first degree arson, and extortion arising from a single robbery event

that resulted in the death of a person.

In exchange for his plea of guilty to first degree felony murder, first robbery, first degree theft, and first degree arson, the state recommended standard range sentences to be served concurrent. In addition, a 60 month firearm enhanced sentence would be imposed on the murder and robbery charges which would be served consecutively each other and to the base offenses. To obtain this privilege the defendant would have to waive his right to appeal or collaterally attack the sentence in both state and federal court.

The Superior Court for Pierce County entered a judgment of guilty on all counts and sentenced Schorr in accordance with the plea arrangement. A little over 11 year later, Schorr applied for relief by personal restraint petition alleging one ground, pursuant to RAP 16.4(c)(2), the sentence imposed is in violation of the laws of the State of Washington and the Constitution of the United States.

The State responded, contended that the petition should be dismissed because Schorr plead guilty to charges and signed an appeal waiver. it also argued the invited error doctrine precluded any review of this case.

In his reply, Schorr argued the appeal waiver is invalid because the sentence is unauthorized by law therefore the waiver does not prevent an attack on an illegal sentence.

Mr. Schorr also contended that, to the extent that he has demonstrated that the sentencing court exceeded its statutory authority, the invited error doctrine will not preclude appellate review of his claim. Reply

The Court of appeals adopted the States conclusions finding because Mr. Schorr signed the appeal waiver, he cannot demonstrate that his petition falls within RCW 10.73.100(3).

E. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED

A motion for discretionary review will be accepted by the Supreme Court only (1) if the decision of the Court of Appeals is in conflict with the decision of the Supreme Court, or (2) if the decision of the Court of Appeals is in conflict with another decision of the Court of Appeals, or (3) if a significant question of law under the Constitution of the State of Washington or of the United States is involved, or (4) if the petition involves an issue of substantial public interest that should be determined by the Supreme Court. RAP 13.4(b).

1. A plea agreement to plead guilty to an unlawful sentence does not foreclose collateral relief and nor does the invited error doctrine or a ~~waiver~~ waiver preclude an attack on the unauthorized conviction and sentence.

The Court of Appeals dismissal of the personal restraint petition as untimely because of an invalid appeal waiver was error and raises question of law. RAP 13.4(b)(3).

State v. Kelly, 168 Wn.2d 72, 76, 226 P.3d 773 (2010) (citing State v. Hughes, 166 Wn.2d 675, 681, 212 P.3d 558). Both our federal and state constitutions protect persons from being twice put in jeopardy for the same offense. See U.S. CONST. amend. V; Wash. Const. art. I, § 9. This court have held that "Washington's double jeopardy clause is coextensive with the federal double jeopardy clause and "is given the same interpretation the Supreme Court gives to the Fifth Amendment.'" State v. Eggleston, 164 Wn.2d 61, 187 P.3d 233 (2008) (quoting State v. Goeken, 127 Wn.2d 95, 896 P.2d 1267 (1995)).

Consequently, both clauses have been interpreted so as to protect against the same triumvirate of constitutional evils "being (1) prosecuted a second time for the same offense after acquittal, (2) prosecuted a second time for the same offense after conviction, and (3) multiple punishments for the same offense." State v. Linton, 156 Wn.2d 777, 132 P.3d 127 (2006) (citing State v. Graham, 153 Wn.2d 400, 103 P.3d 1238 (2005), Brown v. Ohio, 432 U.S. 161, 97 S.Ct. 2221, 53 L.Ed.2d 187 (1977)). The last of these three protections, the prohibition against multiple punishments for the same conduct, is implicated here.

The leading federal case on the issue of double jeopardy and multiple convictions is Rutledge v. U.S., 517 US 292 (1996)

In Rutledge, a jury found the defendant guilty of conspiracy to distribute a controlled substance and conducting a continual criminal enterprise (distribution of cocaine). The "in concert" element of the latter was based on the same agreement as the former. Id at 294-95. The defendant received concurrent life sentences on the two counts. Id at 295. On appeal, the Supreme Court held that the conspiracy offense was a lesser included of the criminal enterprise offense. It also held that that double jeopardy barred convictions for both offenses and remanded for vacation of one of them. Id at 300, 307. ( "one of the petitioner's convictions . . . is unauthorized punishment for a separate offense and must be vacated " (quoting Ball 470 U.S. at 864 )).

Similarly, our Supreme Court followed Rutledge's counsel in State v. Williams, 128 P.3d 98 (2006). Williams was convicted of first degree felony murder and first degree robbery. The first degree robbery is a predicate offense of the former. RCW 9A.32.030(1)(c). The defendant received concurrent sentences on the two counts. On appeal, the court held that the robbery was an lesser included offense of the felony murder offense and remanded for vacation of the robbery offense finding separate convictions for the predicate offense of robbery is contrary to legislative intent.

See Rutledge, 517 U.S. at 306, 116 S.Ct. 1241 ("absent a clear indication by Congress (or the legislature) that it intended to allow punishment for both offenses, the trial court should enter a final judgment of conviction on the greater offense and vacate the conviction on the lesser offense").

Like Williams, Schorr was convicted of both the lesser and greater offenses within the same indictment. The trial court entered final judgment of conviction on both offenses. The court also entered special firearm enhanced penalties on both offenses. The Williams court has clearly indicated Schorr's punishment is unauthorized under Williams and Rutledge the lesser offense (robbery) must be vacated. Rutledge, 517 U.S. at 306.

As noted above, like Williams and Rutledge, one of Schorr's convictions is unauthorized punishment and must be vacated. Ball, 472 U.S. at 864, the lower court believed a defendant who pleads guilty to an unauthorized conviction and an erroneous sentence cannot collaterally challenge it if he has waived his right to appeal and the invited error doctrine would preclude any review. When this proposition was presented by the State Mr. Schorr directed the lower court to Supreme Court precedent which hold when a sentence has been imposed for which there is no authority of law, the court has the power and duty to

correct the erroneous sentence, when the error is discovered. In the matter of McNut, 47 Wn.2d at 565, 288 P.2d 850.

State v. Brooks, 92 Wn.2d at 878, 602 P.2d 351 (same). In re Pers. Restr. of Carle, 90 Wn.2d 443, 584 P.2d 382 (same) In re Pers. Restr. of Goodwin, 146 Wn.2d 861, 90 P.3d 618 ("an individual cannot, by way of a negotiated plea agreement, agree to a sentence in excess of that allowed by law thus cannot waive such a challenge) Hinton, 152 Wn.2d 861, 100 P.3d 805 (same) Thompson, 141 Wn.2d at 723 (same)

Schorr also provided an abundant of federal case law which also supported this Washington State rule. an otherwise valid waiver of postconviction right or appeal rights does not prevent a defendant from attacking an illegal sentence. Andis, 333 F.3d at 891, Deree, 223 F.3d at 923-24 (same stating that a valid waiver of appellate rights not prohibit appeal of an illegal sentence) see also Michaelson, 141 F.3d at 872 n.3 (describing right to appeal an illegal sentence).

Finally, Schorr argued, in regards to the invited error doctrine, to the extent that he has demonstrated that the trial court court acted outside its statutory authority in imposing his sentence, the invited error doctrine will not preclude appellate review citing two

cases from this court. State v. Hughes, 2017 Wash.App LEXIS 153 and State v. Phelps, 113 Wn.App 347, 57 P.3d 364.

Strikingly similar to Scherr's case, the State argued that the invited error doctrine barred Phelps from complaining of the alleged errors committed by the sentencing court because, he participated in creating them by agreeing to the conditions in the plea bargain. This court held, although Phelps clearly invited the challenged sentence, to the extent he can show that the sentencing court exceeded its statutory authority, the invited error doctrine will not preclude review. Phelps, 113 Wn.App at 354 (citing Goodwin, 146 Wn.2d 861, 50 P.3d 618).

Based upon the authority cited above, the Court of Appeals was clearly not precluded by either the plea of guilty, appeal waiver, or the invited error doctrine to review the postconviction challenge and grant him relief if the court therefore has erred.

2. The petition is not time barred because RCW 10.73.100(3) applies to this case.

The Court of Appeals erred in finding Mr. Scherr's petition as time barred. RCW 10.73.100(3) clearly mandates that a conviction entered in violation of the double jeopardy clauses is an exception to RCW 10.73.090 one year time limitation. As noted

above, Williams holds convictions for the predicate offense and the felony murder violate double jeopardy principles.

F. CONCLUSION

For the reasons stated above, the acting chief judge erred and pursuant to RAP 16.4(c) Mr. Schorr is entitled to relief.

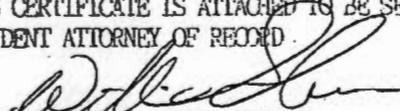
Dated this 28<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
WILLIAM CRAIG SCHORR  
COYOTE RIDGE CORRECTION CENTER  
P.O. BOX 769  
CONNELL, WA. 99326

CERTIFICATE OF SERVICE

THE UNDERSIGNED CERTIFIES THAT ON THE DATE BELOW I CAUSED A TRUE AND CORRECT COPY OF THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED TO BE SERVED ON THE RESPONDENT ATTORNEY OF RECORD.

5-28-2017  
DATE

  
SIGNATURE

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

FILED  
COURT OF APPEALS  
DIVISION II  
2011 MAY 16 AM 9:24  
STATE OF WASHINGTON  
BY  
DEPUTY

In the Matter of the Personal Restraint of:

WILLIAM CRAIG SCHORR,

Petitioner.

No. 49853-7-II

ORDER DISMISSING PETITION

William Schorr seeks relief from personal restraint imposed following his 2006 pleas of guilty to first degree murder, first degree robbery, second degree arson and first degree theft. He argues that his murder, robbery and theft convictions merge and so the separate convictions violate double jeopardy.

RCW 10.73.090(1) provides:

No petition or motion for collateral attack on a judgment and sentence in a criminal case may be filed more than one year after the judgment becomes final if the judgment and sentence is valid on its face and was rendered by a court of competent jurisdiction.

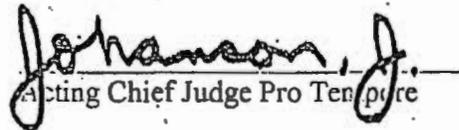
Schorr's judgment and sentence became final on August 21, 2006, when the trial court entered it. RCW 10.73.090(3)(a). He did not file his petition until December 29, 2016, more than one year later. Unless he shows that one of the exceptions in RCW 10.73.100 applies or shows that his judgment and sentence is facially invalid, his petition is time-barred. *In re Personal Restraint of Hemenway*, 147 Wn.2d 529, 532-33, 55 P.3d 615 (2002).

Schorr does not demonstrate that his judgment and sentence is facially invalid. He argues that his petition is exempt from the time-bar under RCW 10.73.100(3), which exempt petitions in which a conviction violates double jeopardy. But Schorr's plea of guilty was part of a plea agreement in which the State agreed to reduce his charges from seven counts, including aggravated first degree murder and three firearm sentencing enhancements, to the four counts described above. In exchange, Schorr agreed to "waive[] his right to collaterally attack or make any post-conviction challenge to his convictions and/or sentences in either state or federal court." Having waived his right to collaterally attack his judgment and sentence, he cannot demonstrate that his petition falls within the time-bar under RCW 10.73.100(3). Therefore, his petition must be dismissed as untimely.

It is hereby

ORDERED that Schorr's petition is dismissed under RAP 16.11(b).

DATED this 16<sup>th</sup> day of May, 2017.

  
Acting Chief Judge Pro Tempore

cc: William C. Schorr  
Chelsey Miller  
Pierce County Clerk  
County Cause Nos. 04-1-01018-9

## **APPENDIX "H"**

APPELLATE DIVISION  
COPY RECEIVED

APR 24 2017

PIERCE COUNTY  
PROSECUTING ATTORNEY

*PS* 5/1/17

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

IN RE THE PERSONAL RESTRAINT )  
PETITION OF )  
 ) NO. 49853-7-II  
 )  
WILLIAM CRAIG SCHORR, )  
 ) REPLY BRIEF  
 )  
PETITIONER, )  
 )  
\_\_\_\_\_ )

A. ARGUMENT

1. The State asks the following questions in its response...

" Must the petition be dismissed if <sup>defendant</sup> 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?

Response pg 1-2. The answer is "no"

2. In support of a "yes" answer to the question, nevertheless, the State proffers the following alternative facts.

" 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 collateral attack 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 knowingly, intelligently, and voluntarily by the defendant as evident from the language of the agreement, defendant's own statements, and the declaration of his attorney.

See Response, pg. 4

In support of a "yes" answer regarding the doctrine of invited error precludes review, the State proffers the following alternative facts.

"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 subjected to the death penalty or a sentence of life without the possibility of parole. The parties agreed that after pleading guilty to the charges in the amended information, the defendants 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. 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."

See Response, pg. 4

3. Premises considered, this Court should decline to adopt the States conclusion on page 4 and 5 of its response when the reality is, the petitioner's appeal waiver is invalid because the sentence attached to the first degree robbery is unauthorized by law and the first degree robbery conviction on which the sentence is based is completely without authority of law. In regards to the "invited error doctrine," it does not apply in circumstances where a sentencing court has exceeded its statutory authority

4. Therefore, the first question is, "is separate convictions and sentences for violating RCW 9A.32.030(a)(c) authorized under the Sentencing Reform Act (SRA)?"

In 2006, the Supreme Court answered that question in State v. Williams, 131 Wn.App, 128 P.3d 98, (2006) where it held, separate convictions for the predicate crime of robbery in the first degree is contrary to the legislative intent and the offense of first degree robbery and first degree felony murder merge"). Washington State Legislature clearly indicated that it did not intend multiple punishments for first degree robbery and first degree felony murder. Id. Absent this clear indication, the trial court was required to enter a final judgment of conviction on greater offense, count I, and vacate the conviction on the lesser offense, count II, first degree robbery as held under Rutledge v. United States, 517 U.S. at 306, 116 S.Ct. 1241 (endorsing this practice).

5. The 75 month sentence and 60 month enhanced sentence based on that conviction is it without authority of law? As noted above, one of the elements of first felony murder is the predicate felony. RCW 9A.32.030(1)(c). Robbery in the first degree is a predicate offense of first degree felony murder. RCW 9A.32.030(1)(c). see 11 Wash Pattern Jury Instr. Criminal Law 27.04 at 303 (2d.ed 1994). In order to find a defendant guilty of felony murder, the State does not attempt prove the murder, in the contrary, it must prove the first degree robbery and the killing of the victim in the course

of or in immediate flight from that robbery.

RCW 9A.32.030(1)(c) criminalizes the act of causing the death of the victim in the course of the predicate offense which aggravates the lesser included offense in a greater offense of first degree murder. See Rutledge, Id at 300, 307 ("one of the petitioner convictions . . . is unauthorized punishment for a separate offense and must be vacated") (quoting Ball, 470 U.S. at 864). It does not criminalize the first degree robbery for the trial court to be authorized to impose the contested sentence. See In re Personal Restraint of Hinton, 152 Wn.2d 861, 100 P.3d 805. In that case Hinton, and others, were convicted of Second degree felony murder based on the predicate felony of assault. At the time he committed his act no statute established a crime of second degree felony murder resting on assault. A conviction under former RCW 9A.32.050 resting on assault as the underlying felony was not a conviction of a crime at all. Obviously, the same is true where petitioner has been convicted of the predicate offense under RCW 9A.32.030(1)(a) is not a conviction of a crime at all.

6. Although, the robbery conviction on which the 60 month enhanced sentence is based is completely without authority of law, the enhanced penalty provision under RCW 9.94A.602,510 could not be used in a conviction for first degree robbery. see In re Carle, 90 Wn.2d 443.

7. As demonstrated above, the conviction and sentence is illegal. The State has not disputed this but rather take refuge under petitioner's plea of guilty and the attached waiver of appeal. Response. It is undisputed petitioner, under the advise of counsel plead guilty and signed the waiver. Does a plea of guilty and an otherwise valid waiver of postconviction appeal prevent a defendant from attacking an "illegal sentence"?

8. In the Matter of McNut, 42 Wn.2d 563, 283 P.3d 848 petitioner was sentenced to an erroneous sentence under the habitual criminal act. The trial court had the inmate returned and entered a judgment doubling the sentence it entered prior. The inmate argued that the second sentence was void The Supreme Court stated when a sentence has been imposed for which there is no authority of law, the trial court has the power and duty to correct it the erroneous sentence, when the error was discovered. McNut, 47 Wn.2d at 565, 288 P.2d 850.

9. McNut was cited with approval in Brooks, Hinton, and Carle. In Brooks the sentencing court imposed concurrent sentences. But the sentencing court acted contrary to law in ordering the sentences to run currently. The Supreme Court noted that case law clearly holds that the trial court has the power and duty to correct the erroneous sentence. The Court hold the entire judgment of the trial court is not unenforceable.

The conviction still stands. The appropriate remedy is resentencing to correct the erroneous sentence imposed. Brooks, 92 Wn.2d at 878, 602 P.2d 351.

In Carle, he plead guilty to first degree robbery while armed with a deadly weapon, to wit a 38 caliber celt revolver. Carle was sentenced to not more than 20 years. Due to the enhanced penalty Carle was subject to a minimum 5 year sentence. He did not appeal or otherwise challenge the application of the enhanced penalty. The Supreme Court decided Workman holding the enhanced penalty provision could not be used in a conviction for first degree robbery. Carle, 90 Wn.2d 443, 584 P.2d 382. Thereafter Carle applied for relief by PRP alleging two grounds first, pursuant to RAP 16.4(c)(2), it was alleged that the sentence imposed is a violation of the law of the State of Washington and second, pursuant to RAP 16.(e)(4), it was contended that Workman effected a significant change in the law which was material to his sentence. In granting the petition, the Supreme Court held, because the trial court imposed an erroneous sentence, and since the error has now been discovered, the Court has both the power and duty to correct it.

In Hinton, in granting his personal restraint petition, the Court citing Goodwin, 146 Wn.2d 861, 90 P.3d 618 stated "an individual cannot, by way of a negotiated plea agreement, agree to a sentence in excess of that allowed

by law and thus cannot waive such a challenge and Carle 93 Wn.2d at 33 ("petitioner entitled to relief from a sentence not authorized by law, observing the courts power and duty to correct such an erroneous sentence").

The Hinton Court applied the McNut rule on erroneous sentences imposed without authority of law to a conviction on which that sentence is based is without authority of law. The Court stated that, the fact that the petitioner plead guilty does not make any difference citing Thompson, 141 Wn.2d at 723 ("a plea agreement to plead guilty to a nonexistent crime does not foreclose collateral relief because a plea agrment cannot exceed the statutory granted the court"). Hinton, 152 Wn.2d 861, 100 P.3d 805.

10. This Washington State rule is consistent with the Circuits. "an otherwise valid waiver of postconviction rights or appeal rights does not prevent a defendant from attacking "an illegal sentence." See Andis, 333 F.3d at 891 Deroo, 223 F.3d at 923-24. Assuming that a waiver has been entered into knowingly and voluntarily the courts will still refuse to enforce and otherwise valid waiver if to do so would result in a miscarriage of justice. Deroo, 223 F.3d at 932-24 (stating that a waiver of appellate rights not prohibit appeal of an illegal sentence or a claim asserting ineffective assistance of counsel) see also Michaelson, 101 F.3d at 872 N.3 (describing the right to appeal illegal sentence)

The Federal Courts define an illegal sentences as "when the sentence is in excess of a statutory provision or otherwise contrary to applicable statute. A sentence is not illegal if the punishment meted out was not in excess of that prescribed by the relevant statute . . . or the terms of the sentence itself are not legally or constitutionally invalid in any other respect." See United States v. Peltier, 312 F.3d at 938.

11. The petitioner's conviction and sentence within this category he therefore cannot waive his right to appeal his sentence. Michaelson, 141 F.3d 867, cert denied, 525 U.S. 942, 119 S.Ct. 363.

12. Although, Schorr conduct is immaterial to the legal questions being addressed, nevertheless, he is aware that his case involves horrifying conduct and heartbreaking loss of life, the cost in human terms is immeasurable. Judges are not immune to these horrors. Yet, to assure lawful and fair treatment of all person convicted under a statute that have criminalized Schorr's act as one crime, but did not criminalize his actions as three crime, for the court to impose conviction and punishment on all three crimes entitles petitioner to relief. This court obligation is to see that the law is carried out uniformly and justly. quoting Hinton.

13. The last question is whether appellate review is precluded under the invited error doctrine?

This question is answered by State v. Hughes, 2017 Wash.App. LEXIS 153. In that case, the Court ordered, as a condition of community custody, a Mental Health Evaluation. Hughes appealed. On appeal the State argued Hughes invited the error. In effect at the time of Hughes offense, a relevant statute provided that before ordering a mental health eval or tratmnt, the court must utilize a presentence report to find (1) an offender is a mentally ill person as defined in RCW 71.24.025, and (2) the defendants condition likely influenced the crime. The Court stated this statutory procedure was not followed. The Court remanded for the trial court to strike the condition unless it determine it can presently and lawfully comply with the statute.

In State v. Phelps, 113 Wn.App. 347, 354, 57 P.3d 624, which was cited with approval by Hughes, similary, the State argued that the invited error doctrine barred Phelp from complaining of the alleged errors because, like Schorr, h participated in creating them by agreeing to the conditions in the plea bargain. The Court held, although Phelps clearly invited the challenged sentence, to the extent he can show that the sentencing court exceeded it statutory authority, the invited error doctrine will not preclude appellate review. Phelps, 113 Wn.App. at 354 (citing Goodwin, 146 Wn.2d 861, 50 P.3d 618).

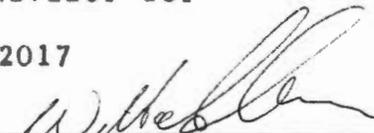
14. The cases cited by the State in its response, Breedlove, Wakefield, and Henderson are distinguishable from Scherr's particular circumstances, to the extent, the trial court in these cases acted within its statutory authority in imposing the sentences where as in the instant case it did not. Fa.1.

15. In conclusion, Scherr's conviction and sentence for counts III and V are not authorized by law and nor does his plea of guilty, appeal waiver, or the invited error doctrine precludes him from review of these errors because the courts actions are in violation of the laws of the State of Washington. For these reason, Scherr respectfully request that the Court grant his petition as it did in Carle and Hinton.

Respectfully submitted by

Sir Reginald Bell, Sr  
Inmate Legal Adviser for

Dated this 16 day of April, 2017

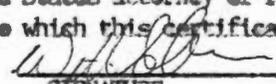
  
WILLIAM CRAIG SCHORR  
COYOTE RIDGE CORRECTION CENTER  
P.O. BOX 769  
CONNELL, WA. 99326

Certificate of Service

The undersigned certifies that on this day I delivered by U.S. mail to the States attorney of record true and correct copies of the document to which this certificate is attached.

4-19-2017

DATE

  
SIGNATURE

FN.1, Henderson involved an erroneous jury instruction even under these circumstances the invited error doctrine does not preclude review if the error resulted from ineffective assistance of counsel. see State v. Killo, 166 Wn.2d 856. here, Scherr's plea was not knowing, voluntary, and intelligently made where his appointed attorney misinformed him about the sentencing laws.

## **APPENDIX "I"**

NO. 94591-8

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**SUPREME COURT OF THE  
STATE OF WASHINGTON**

IN RE THE PERSONAL RESTRAINT PETITION OF:

WILLIAM SCHORR, PETITIONER

---

Appeal from the Superior Court of Pierce County  
The Honorable Bryan Chushcoff

No. 04-1-010118-9

---

**Response to Motion for Discretionary Review**

---

MARK LINDQUIST  
Prosecuting Attorney

By  
ROBIN SAND  
Deputy Prosecuting Attorney  
WSB # 47838

930 Tacoma Avenue South  
Room 946  
Tacoma, WA 98402  
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A. ISSUES PERTAINING TO APPELLANT'S ASSIGNMENTS OF ERROR.

1. Is double jeopardy violated where petitioner provided a separate factual basis for each conviction?

B. STATEMENT OF THE CASE.

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 A (Original Information). The murder, kidnapping, and robbery counts all contained firearm sentencing enhancements. Appendix A. Defendant resolved his case by entering into a plea agreement with the State. Appendix B (Plea Agreement). 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 C (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 and III to be served consecutively for a total term of confinement of 411 months. Appendix D (Judgment and Sentence)

C. ARGUMENT.

1. PETITIONER'S ROBBERY AND FELONY  
MURDER CONVICTIONS DO NOT MERGE  
WHERE PETITIONER ADMITTED THAT HE  
COMMITTED EACH CRIME SEPARATELY

The double jeopardy clause guarantees that no person shall "be subject for the same offense to be twice put in jeopardy of life or limb." U.S. Const. Amend. V. The double jeopardy clause applies to the states through the due process clause of the Fourteenth Amendment, and is coextensive with article I, § 9 of the Washington State Constitution. *State v. Gocken*, 127 Wn.2d 95, 107, 896 P.2d 1267 (1995) (citing *Benton v. Maryland*, 395 U.S. 784, 794, 89 S. Ct. 2056, 23 L. Ed. 2d 707 (1969)). Washington's double jeopardy clause offers the same scope of protection as the federal double jeopardy clause. *State v. Adel*, 136 Wn.2d 629, 632, 965 P.2d 1072 (1998) (citing *Gocken*, 127 Wn.2d at 107). The double jeopardy clause encompasses three separate constitutional protections:

It protects against a second prosecution for the same offense after acquittal. It protects against a second prosecution for the same offense after conviction. And it protects against multiple punishments for the same crime.

*Gocken*, 127 Wn.2d at 100.

Appellate courts "review questions of law such as merger and double jeopardy de novo." *State v. Zumwalt*, 119 Wn. App. 126, 129, 82 P.3d 672 (2003), aff'd sub nom. *State v. Freeman*, 153 Wn.2d 765, 108

P.3d 753 (2005). When addressing a double jeopardy challenge, the court first considers whether the legislature intended cumulative punishments for the challenged crimes. *State v. Freeman*, 153 Wn.2d 765, 771, 108 P.3d 753 (2005). Legislative intent can be explicit as in the antimerger statute where it provides that burglary may be punished separately from any related crime. *Freeman*, 153 Wn.2d at 772-73; RCW 9A.52.050. However, there can also be sufficient evidence of legislative intent that the court is confident that the legislature intended to separately punish two offenses arising out of the same bad act. *Freeman*, 153 Wn.2d at 772 (citing *State v. Calle*, 125 Wn.2d 769, 777-78, 888 P.2d 155 (1995) (rape and incest are separate offenses)).

If the legislative intent is not clear, then the court will turn to the test from *Blockburger v. United States*, 284 U.S. 299, 304, 52 S. Ct. 180, 76 L. Ed. 306 (1932) to determine if double jeopardy has been offended by defendant's multiple convictions. *Freeman*, 153 Wn.2d at 772. Under the *Blockburger* test the court examines each crime to determine if one crime contains an element that the other does not. *Id.* This analysis is not done on an abstract level, but "[w]here the same act or transaction constitutes a violation of two distinct statutory provisions, the test to be applied to determine whether there are two offenses or only one, is whether each provision requires proof of a fact which the other does not."

*Freeman*, 153 Wn.2d at 772 (quoting *Blockburger*, 284 U.S. at 304). However, the *Blockburger* presumption may be rebutted by other evidence of legislative intent.

Finally, merger is a doctrine of statutory interpretation used to determine whether the legislature intended to impose multiple punishments for a single act that violates several statutory provisions. *State v. Vladovic*, 99 Wn.2d 413, 419 n2, 662 P.2d 853 (1983). “The [merger] doctrine arises only when a defendant has been found guilty of multiple charges, and the court then asks if the Legislature intended only one punishment for the multiple convictions.” *State v. Michielli*, 132 Wn.2d 229, 238-239, 937 P.2d 587 (1997). With respect to cumulative sentences imposed in a single trial, the double jeopardy clause does no more than prevent the sentencing court from prescribing greater punishment than the legislature intended. *Missouri v. Hunter*, 459 U. S. 359, 366, 103 S. Ct. 673, 74 L. Ed. 2d 535 (1982).

The merger doctrine can be used to determine legislative intent even when two crimes have different elements. Under the merger doctrine, when the degree of one offense is raised by conduct separately criminalized by the legislature, the court will presume the legislature intended to punish both offenses through a greater sentence for the greater crime. *Freeman*, 153 Wn.2d at 772-73 (citing *Vladovic*, 99 Wn.2d at

419). However, the court may separately punish two crimes that otherwise appear that they should merge if there is an independent purpose or effect to each. *Freeman*, 153 Wn.2d at 773 (citing *State v. Frohs*, 83 Wn. App. 803 807, 924 P.2d 384 (1996), see also *Vladovic*, 99 Wn.2d at 421-22).

The well-established exception allows for two convictions to stand even when they may formally appear to be the same crime under other tests. *Freeman*, 153 Wn.2d at 778. *Whittaker* states:

“Where two offenses would otherwise merge but have ‘independent purposes or effects,’ separate punishment may be applied.” When dealing with merger issues, we look at how the offenses were charged and proved, and do not look at the crimes in the abstract.”

192 Wn. App. at 411. Stated another way, the offenses may be separate “when there is a separate injury to the ‘the person or property of the victim or others, which is separate and distinct from and not merely incidental to the crime of which it forms an element.’” *Freeman*, 153 Wn.2d at 778 (citing *State v. Frohs*, 83 Wn. App. 803, 807, 924 P.2d 384 (1996) (citing *State v. Johnson*, 92 Wn.2d 871, 680, 600 P.2d 1249 (1979)). In evaluating this, courts must take a “hard look at each case” based on their facts and charged crimes. *Freeman*, 153 Wn.2d at 774.

Here, double jeopardy is not violated where the petitioner provided a separate factual basis to support each conviction. Petitioner provided the following factual basis to support each conviction in his Statement of Defendant on Plea of Guilty:

On the 24<sup>th</sup> 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 or furtherance of the robbery, or immediate flight thereof I was an accomplice to the suffocation death of R. Shapel, I was also armed with a firearm. **I also participated in a robbery of property from Mr. Shapel.**

(Appendix C) Page 7 paragraph 11 (emphasis added)

Petitioner in his own words admitted that he committed a separate robbery in addition to committing felony murder by suffocating the victim to death. Merger only applies where a *single act* violates several statutory provisions. *Vladovic*, 99 Wn.2d at 419 n2. (emphasis added). Thus, merger does not apply where petitioner admits that he committed a separate robbery, or act, from that which formed the predicate offense for the felony murder. Petitioner specifically articulated in his statement that he committed a robbery in addition to the felony murder. It is evident that statement clearly refers to a separate robbery from the robbery which formed the predicate offense for the felony murder. It is apparent not only from the presence of the statement itself, but also from the use of the word "also". To interpret that statement otherwise would deem the entire

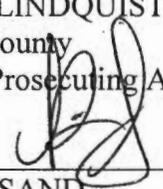
statement redundant and pointless. Petitioner plainly admitted to committing an additional act of robbery and thus provided a sufficient factual basis for the robbery conviction. Thus, where defendant himself admitted that he committed two separate robberies, merger does not apply and double jeopardy is not violated.

D. CONCLUSION.

For the above stated reasons, the State respectfully requests that this court affirm the defendant's conviction below.

DATED: October 20, 2017

MARK LINDQUIST  
Pierce County  
Prosecuting Attorney

  
\_\_\_\_\_  
ROBIN SAND  
Deputy Prosecuting Attorney  
WSB # 47838

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 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.

10/20/17 [Handwritten Signature]  
Date Signature

# **APPENDIX "A"**

*Original Information*



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

3 IN THE ALTERNATIVE

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

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

18 COUNT II

19 And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the  
20 authority of the State of Washington, do accuse WILLIAMS CRAIG SCHORR of the crime of  
21 KIDNAPPING IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based  
22 on the same conduct or on a series of acts connected together or constituting parts of a single scheme or  
23 plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to  
24 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  
INFORMATION- 2

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

5 That WILLIAMS CRAIG SCHORR, acting as an accomplice, in the State of Washington, during  
6 the period between the 24th day of February, 2004 and the 25th day of February, 2004, did unlawfully  
7 and feloniously take personal property belonging to another with intent to steal from the person or in the  
8 presence of Richard Shapel, the owner thereof or a person having dominion and control over said  
9 property, against such person's will by use or threatened use of immediate force, violence, or fear of  
10 injury to Richard Shapel, said force or fear being used to obtain or retain possession of the property or to  
11 prevent or overcome resistance to the taking, and in the commission thereof, or in immediate flight  
12 therefrom, the Defendant or an accomplice was armed with a deadly weapon, to-wit: a handgun or a  
13 shotgun, contrary to RCW 9A.56.190 and 9A.56.200(1)(a)(i), and in the commission thereof the  
14 defendant, or an accomplice, was armed with a firearm, to-wit: a handgun or a shotgun, that being a  
15 firearm as defined in RCW 9.41.010, and invoking the provisions of RCW 9.94A.310/9.94A.510, and  
16 adding additional time to the presumptive sentence as provided in RCW 9.94A.370/9.94A.530, and  
17 against the peace and dignity of the State of Washington.

#### COUNT IV

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

24 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

INFORMATION- 3

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

1 so closely connected in respect to time, place and occasion that it would be difficult to separate proof of  
 2 one charge from proof of the others, committed as follows:

3 That WILLIAMS CRAIG SCHORR, acting as an accomplice, in the State of Washington, during  
 4 the period between the 24th day of February, 2004 and the 25th day of February, 2004, did unlawfully,  
 5 feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than  
 6 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

7 And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the  
 8 authority of the State of Washington, do accuse WILLIAMS CRAIG SCHORR of the crime of  
 9 EXTORTION IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based  
 10 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:

11 That WILLIAMS CRAIG SCHORR, acting as an accomplice, in the State of Washington, during  
 12 the period between the 24th day of February, 2004 and the 25th day of February, 2004, did unlawfully  
 13 and feloniously telephone Colleen Shapel and threaten, as defined by RCW 9A.04.110 (25) (a) or (c), to  
 14 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  
 15 9A.56.120(1), and against the peace and dignity of the State of Washington.

16 DATED this 2nd day of March, 2004.

17 PIERCE COUNTY SHERIFF  
 WA02700

GERALD A. HORNE  
 Pierce County Prosecuting Attorney

18  
 19 gtc

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

1 NO. 04-1-01018-9  
2 DECLARATION FOR DETERMINATION OF PROBABLE CAUSE

3 GERALD T. COSTELLO, declares under penalty of perjury:

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

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

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

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

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

18 The defendants prepared to abduct Mr. Shapel by arming themselves with guns and by bringing  
19 with them a set of hand-cuffs. They contacted the victim during the afternoon of February 24, 2004, by  
20 driving a white passenger van to a place on the victim's route in Pierce County. They saw the victim and  
21 flagged him down by waving a Snap-on tool, which they had deliberately broken, to signal their wish to  
22 have the tool replaced. When the victim stopped to assist them, both men pointed handguns at him and  
23 they entered his tool truck and ordered the victim to lie on the floor. They hand-cuffed the victim's hands  
24 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.

DECLARATION FOR DETERMINATION  
OF PROBABLE CAUSE -1

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

1  
2 In the early morning hours of February 25<sup>th</sup>, defendants telephoned the victim's wife, Colleen  
3 Shapel. Defendants had been unable to retrieve cash by using the victim's personal credit card, taken  
4 from his wallet. It was approximately 4:30 a.m., and Mrs. Chapel had been greatly concerned about her  
5 husband's whereabouts for many hours. Defendant Schorr called and when Mrs. Chapel answered, the  
6 defendant, using foul language and an angry, forceful tone, stated that "we have your husband," and  
7 demanded to know the "PIN" number to the victim's credit card. Mrs. Chapel was never told that her  
8 husband was already deceased. She stated that she did not know the PIN number and Defendant Schorr  
9 stated that "it would be a long ride to Portland for him," (referring to Mr. Shapel) if they did not get the  
10 PIN number. This was perceived to be a threat of harm to Mr. Shapel.

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

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

20 DATED: March 2, 2004  
21 PLACE: TACOMA, WA

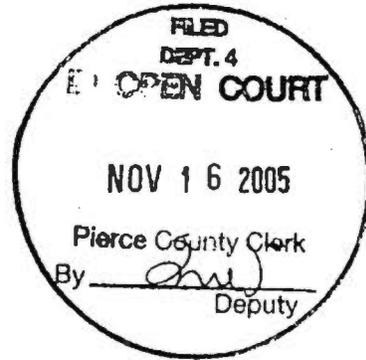
22  
23  
24  
  
GERALD T. COSTELLO, WSB# 15738

DECLARATION FOR DETERMINATION  
OF PROBABLE CAUSE -2

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

# **APPENDIX "B"**

*Plea Agreement*



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-01018-9

vs.

WILLIAM CRAIG SCHORR,

PLEA AGREEMENT

Defendant.

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

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

6 2. Prosecution's filing of amended information. After completion and acceptance of  
7 defendant's proffer, the prosecutors agree to file an amended information, contingent on the  
8 court accepting a valid guilty plea to the amended information, charging defendant with the  
9 following offenses: 1) Murder in the first degree, with a firearm sentencing enhancement; 2)  
10 Robbery in the first degree, with a firearm sentencing enhancement; 3) Arson in the second  
11 degree and 4) Theft in the first degree. The information will allege that the murder was  
12 committed by the alternative means of premeditated murder and/or felony murder predicated on  
13 robbery in the first degree. A plea to the amended information eliminates the possibility that  
14 defendant will be subject to the death penalty or a sentence of life without the possibility of  
15 parole.  
16

17 3. Guilty Plea. Defendant must successfully enter a guilty plea to the crimes in the amended  
18 information. Defendant shall not enter a plea pursuant to North Carolina v. Alford, 400 U.S.  
19 25(1970), but provide a factual basis for each of his crimes. The parties recognize that defendant  
20 will complete a "Statement of defendant on plea of guilty" in conjunction with defendant's plea  
21 that will contain advisement as to the important rights defendant will be waiving by entering his  
22 guilty plea, as well as advisement as to the many consequences, direct and indirect, of his guilty  
23 plea. If the court accepts defendant's guilty plea, then the contents of the completed Statement  
24 of defendant on plea of guilty shall be incorporated into this agreement by reference and  
25

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

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

8 5. Defendant's continuing obligation to cooperate and be truthful. After making an offer of  
9 proof and entering his guilty plea, defendant will provide complete and truthful information at all  
10 times to the prosecutors, to Pierce County Sheriff's Department detectives, and to defense  
11 counsel for Jeremy Hosford and/or his investigator, or other persons designated by the  
12 prosecutor, regarding defendant's knowledge of the circumstances surrounding the murder of  
13 victim Shapel, and regarding other crimes and circumstances occurring in connection with or  
14 close in time to the murder. Defendant must cooperate when needed for interviews and/or trial  
15 preparation by a prosecutor or a Sheriff's Department detective, at a time and location designated  
16 by them. Defendant will agree to be tape-recorded, if requested by law enforcement personnel.  
17 Defendant must cooperate when requested by a prosecutor to participate in any interview with  
18 Jeremy Hosford's attorneys or investigator. Defendant may agree to be tape-recorded in a  
19 defense interview, but that is not required as part of this agreement. Defendant's attorneys shall  
20 be notified and have the right to be present for all interviews, by any persons. Defendant  
21 understands and agrees that his breach of any provision of Section 5 will constitute a material  
22 breach of this agreement.  
23  
24  
25

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

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

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

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

20 10. Sentencing range. The parties agree that after pleading guilty to the charges identified in  
21 this agreement in paragraph 2, the defendant's standard sentencing range would be from 291  
22 months to 388 months on the murder, the crime with the highest seriousness level. By statute,  
23 the sentences on the other charges would run concurrently to the sentence on the murder. The  
24  
25

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

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

15  
16 12. Waiver of appeal and collateral attack. Defendant understands that the law or  
17 consequences surrounding the death penalty or the charge of Aggravated Murder in the first  
18 degree may change by future legislative, executive or judicial action. Nevertheless, defendant  
19 knowingly and voluntarily enters into this agreement at this time because he wants to take  
20 responsibility for his criminal action and because he wants to eliminate the possibility that he  
21 might face execution. Defendant agrees to waive any right to pursue an appeal, in state or  
22 federal court, of any convictions and/or sentences decreed or imposed pursuant to this  
23 agreement. Defendant also waives his right to collaterally attack or make any post conviction  
24 challenge to his convictions and/or sentences in either state or federal court under the  
25

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

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

13 14. Breach. Defendant can breach this agreement by failing to perform an act that the  
14 agreement requires or by performing an act that the agreement forbids. If defendant becomes  
15 uncooperative during the pre-trial preparations, he is in breach of the agreement; defendant's  
16 counsel shall be allowed a brief period of time, not to exceed 24 hours, in which to persuade  
17 defendant to come into compliance with the terms of the agreement. If defendant becomes  
18 uncooperative during Hosford's trial proceedings, he is in breach and is not entitled to any time  
19 period in which to come into compliance. Defendant is under a continuing obligation to be  
20 truthful, as defined in paragraph 1; in giving any statement pursuant to this agreement and failure  
21 to be truthful is a breach of this agreement. The following events establish that defendant is in  
22 breach of his obligation to be truthful: 1) giving inconsistent statements regarding material facts  
23 in any statement made pursuant to this agreement; 2) the conclusion of the polygrapher that  
24  
25

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

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

18 16. Modification of recommendation based on breach. If the State has cause to modify its  
19 sentencing recommendation and opts to do so, it shall file a notice of intention to modify its  
20 recommendation. The notice shall state the basis for modification of the sentencing  
21 recommendation and provide supporting declarations and other documentation, if any.  
22 Defendant's counsel must file, within one week, a written response, with supporting  
23 documentation if defendant wants to dispute that he has breached the agreement. Failure to file a  
24  
25

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

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

10 18. Rescission remedy. If the State has filed a motion to rescind the agreement and the court  
11 determines that defendant has breached the agreement, it will invalidate the agreement, vacate  
12 defendant's guilty pleas, and enter an order invalidating the amended information filed in  
13 conjunction with that plea. Then the State may prosecute the defendant for all offenses  
14 originally charged. Defendant further agrees and specifically acknowledges that if his guilty  
15 pleas are set aside the State may seek a special sentencing proceeding to determine whether  
16 capital punishment should be imposed. Pursuant to Evidence Rule 410, the prosecutors may not  
17 introduce any of defendant's statements made during his proffer, the hearing on the taking of his  
18 guilty plea or in the statement of defendant on plea of guilty in any criminal or civil prosecution.  
19 However, defendant understands that the prosecutor may use any other evidence obtained,  
20 derived, directly or indirectly, from defendant's actions undertaken pursuant to this agreement,  
21 including any evidence of any kind discovered or recovered as a result of defendant's statements.  
22 If the court does not find a breach the agreement will remain in effect.  
23  
24  
25

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

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

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

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

19 23. Parties bound. The agreement binds defendant, his attorneys, and the Pierce County  
20 Prosecuting Attorney's Office. Changes in the deputy prosecutors assigned to the case or to the  
21 attorneys representing defendant shall have no impact on the binding nature of this agreement.  
22  
23 /  
24 /  
25

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  
WILLIAM SCHORR, DEFENDANT

Mary Kay High  
MARY KAY HIGH, DEFENDANT'S ATTORNEY  
WSBA # 20123

Sverre O. Staurset  
SVERRE STAURSET, DEFENDANT'S ATTORNEY  
WSBA # 8996

Gerald Costello  
GERALD COSTELLO, DEPUTY PROSECUTOR  
WSBA # 15738

Kathleen Proctor  
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  
WILLIAM SCHORR, DEFENDANT

**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**

**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.

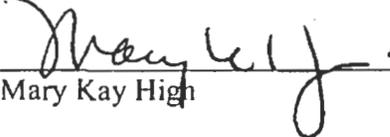
Defendant's Sound Mental State: During my contact with the defendant I have never seen any indication that he suffers from any mental disease or defect. During consultations with my colleagues who also represent the defendant or work with the defense team, none of them have mentioned observing any signs 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: 11/16/05

PLACE: TACOMA, WA

  
\_\_\_\_\_  
Mary Kay High

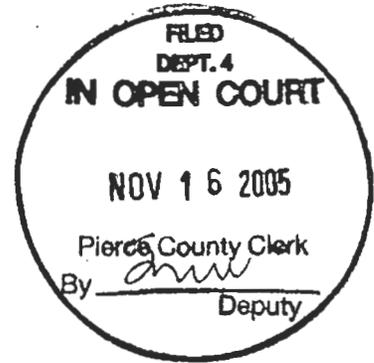
ORIGINAL

## **APPENDIX “C”**

*Statement of Defendant on Plea of Guilty*



04-1-01018-0 28030528 STDFG 08-24-08



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

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-01018-9

vs.

STATEMENT OF DEFENDANT ON PLEA OF GUILTY

William Craig Schorr

Defendant.

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

DENNIS O. STANSET and Mary Kay High

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

Count I: Murder 1<sup>st</sup> - 9A.32.030 (1)(c)

The elements are: Acting as an accomplice, in the State of WA,

between 2/24 - 2/26/04, did unlawfully & feloniously,

while attempting to commit Delivery of, Theft 1<sup>st</sup> and

Arson 2<sup>nd</sup> and in the course of or immediate flight therefrom sufficed

P. Shapel, thereby causing his death, and in the commission thereof

This crime carries a maximum sentence of life years imprisonment and a

\$ 50,000 fine. The standard range is from 291 months to 388

months based upon the attached stipulation as to my criminal history.

Offense Designations: Most Serious Offense  Serious Violent  Violent

Non-Violent  Sex  Drug  Traffic  Check all that apply.

Count II: Robbery 1<sup>st</sup>

Elements: During periods 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 accomplice was armed with a fire arm,

which firearm enhances the sentence under

the deadly weapon enhancement provisions.

Mr. Shapel was not a participant in the crime.

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

or an accomplice was armed with a fire arm. (Rev 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 is from 57 months to 75 months based upon the attached stipulation as to my criminal history. + DWE  
 Offense Designations: Most Serious Offense  Serious Violent  Violent  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
M10 1	291-308	100 (F)	351-448 <del>117-135</del>	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".

STATEMENT OF DEFENDANT  
 ON PLEA OF GUILTY - 2

Case Name: State v. Schorr Cause No: 64-1-01018-9

ATTACHMENT "B"

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

Count ~~4~~ <sup>4</sup>: Arson in the second degree (RCW 9A.48.030)

Elements: Acting as a principal or an accomplice to, I, the defendant, 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  Non-Violent[ ] Sex[ ] Drug[ ] Traffic[ ] (check all that apply)

Count ~~5~~ <sup>5</sup>: Theft in the first degree (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~~ <sup>another</sup>

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  Sex[ ] Drug[ ] Traffic[ ] (check all that apply)

in a value exceeding \$1,500.00 with intent to deprive another of the property.

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 <del>4</del> <sup>4</sup>	22-29		22-29	18-36 mo.	10 yrs / 20,000 fine
Theft 1 <del>5</del> <sup>5</sup>	4-12		4-12	up to 1yr.	10 yrs / 20,000

ATTACHMENT "B"

- (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.

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 if 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, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; and I will be subject to all of the conditions described in paragraph (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.

STATEMENT OF DEFENDANT  
ON PLEA OF GUILTY - 5

- (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 1<sup>st</sup> 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 of 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

STATEMENT OF DEFENDANT  
ON PLEA OF GUILTY - 6

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, II, III, IV & V~~ <sup>III, IV & V</sup> ~~Amended~~ in the \_\_\_\_\_ Information. I have received a copy of that information. *(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 24<sup>th</sup> day of Feb. 2004, acting as an*

*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.*

*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 armed with a firearm. On or about Feb 24-25, 2005, I also participated in a robbery of property from Mr. Shapel. I was an accomplice to a person find that destroyed a Snap-on Tool truck.*

[ ] 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.

*These events took place in Pierce County WA.*

*[Signature]*  
Defendant

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

*[Signature]*  
Defendant's Lawyer  
WSBA # 20123 *WSBA # 8996*

Approved for entry:

*[Signature]*  
Prosecuting Attorney  
WSBA # 15738

STATEMENT OF DEFENDANT  
ON PLEA OF GUILTY - 7

## 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:

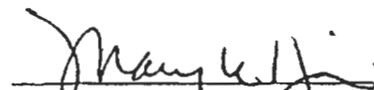
(bb) I understand that I will be ineligible to vote until that right is restored in a manner described in RCW 10.64 \_\_\_\_ [2005 Wash. Laws 246 § 1]. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.

(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

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

Byron Chubbett  
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 \_\_\_\_\_, \_\_\_\_\_.



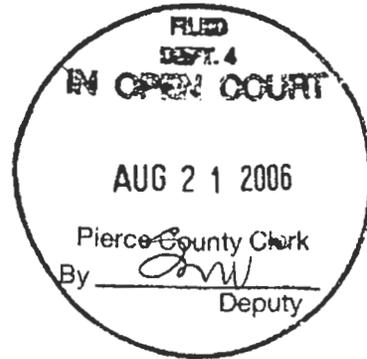
\_\_\_\_\_  
Interpreter

## **APPENDIX “D”**

*Judgment and Sentence*



04-1-01018-9 28030744 JDSWCD 08-24-06



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: 04-1-01018-9

AUG 24 2006

vs.

WILLIAM CRAIG SCHORR,

Defendant.

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).

04-1-01018-9

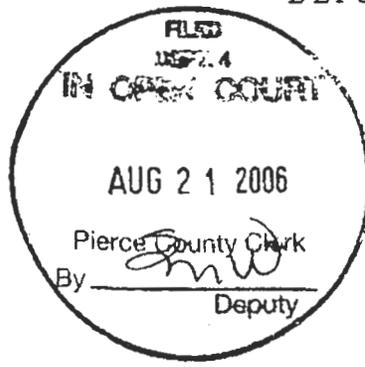
[ ] 3. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement or placement not covered by Sections 1 and 2 above).

Dated: August 21, 2006

By direction of the Honorable  
[Signature]  
JUDGE  
KEVIN STOCK

By: [Signature]  
CLERK.  
DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF  
AUG 24 2006  
Date \_\_\_\_\_ By [Signature] Deputy

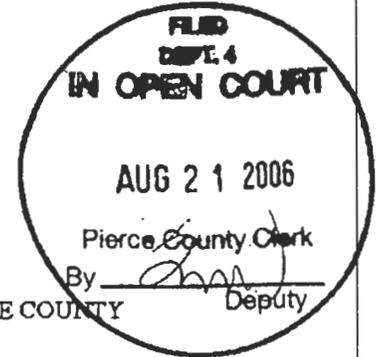


STATE OF WASHINGTON  
County of Pierce

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

04-1-01018-9



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-01018-9

vs.

JUDGMENT AND SENTENCE (JS)

WILLIAM CRAIG SCHORR

Defendant.

- Prison
- Jail One Year or Less
- First-Time Offender
- SSOSA
- DOSA
- Breaking The Cycle (BTC)

AUG 24 2006

SID: WA15283769  
DOB: 12/30/1974

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  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

- 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

04-1-01018-9

[ ] 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

RIN/RJN \$ 38,853<sup>75</sup> Restitution to: SEE SEPARATE RESTITUTION ORDER

\$ \_\_\_\_\_ Restitution to: \_\_\_\_\_  
(Name and Address--address may be withheld and provided confidentially to Clerk's Office).

04-1-01018-9

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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~~ <sup>110.00</sup> Criminal Filing Fee  
FCM \$ \_\_\_\_\_ Fine

## OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

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

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

\$ 3,543.<sup>75</sup> 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.

04-1-01018-9

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:

Empty rectangular box for additional information.

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;

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 AMENDMENTS.** 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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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 *Bryan Chushcoff*  
Print name BRYAN CHUSHCOFF

*Gerald Costello*  
Deputy Prosecuting Attorney  
Print name: GERALD COSTELLO  
WSB # 15738

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

*William Schorr*  
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: *William Schorr*

FILED  
DEPT. 4  
IN OPEN COURT  
AUG 21 2006  
Pierce County Clerk  
By *[Signature]*  
Deputy

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**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

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APPENDIX "F"

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

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

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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IDENTIFICATION OF DEFENDANT

SID No. WA15283769  
(If no SID take fingerprint card for State Patrol)

Date of Birth 12/30/1974

FBI No. 789501HB8

Local ID No. NONE

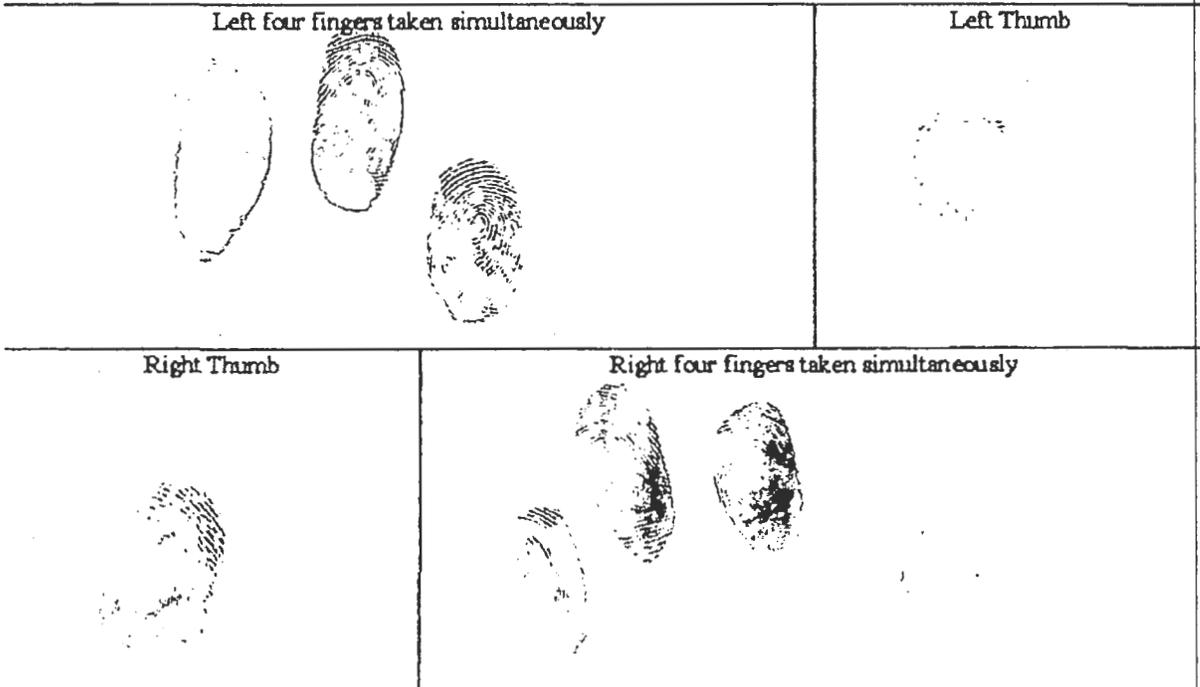
PCN No. 538058084

Other

Alias name, SSN, DOB:

<b>Race:</b>	<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> Black/African-American	<input checked="" type="checkbox"/> Caucasian	<b>Ethnicity:</b>	<input type="checkbox"/> Hispanic	<b>Sex:</b>	<input checked="" type="checkbox"/> Male
	<input type="checkbox"/> Native American	<input type="checkbox"/> Other: :		<input checked="" type="checkbox"/> Non-Hispanic	<input type="checkbox"/>	<input type="checkbox"/>	Female

FINGERPRINTS



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

DEFENDANT'S SIGNATURE: [Signature]

DEFENDANT'S ADDRESS: \_\_\_\_\_

**PIERCE COUNTY PROSECUTING ATTORNEY**

**March 09, 2018 - 1:10 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 94591-8  
**Appellate Court Case Title:** Personal Restraint Petition of William Craig Schorr  
**Superior Court Case Number:** 04-1-01018-9

**The following documents have been uploaded:**

- 945918\_Briefs\_20180309130943SC188900\_0355.pdf  
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Briefs - Respondents Supplemental  
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Tacoma, WA, 98402  
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