

No. 95578-6

Court of Appeals No. _____

**IN THE COURT OF APPEALS, DIVISION ONE
OF THE STATE OF WASHINGTON**

In Re the Personal Restraint of:

SAID OMER ALI,

Petitioner.

**PERSONAL RESTRAINT PETITION WITH LEGAL ARGUMENT
AND AUTHORITIES**

King County Superior Court No. 08-1-05113-3 SEA

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I. STATUS OF PETITIONER

Said Omer Ali (“Mr. Ali”), currently in the custody of the Department of Corrections, is serving a sentence of 312 months for convictions of robbery in the first degree, attempted robbery in the first degree, and assault in the first degree.

II. GROUNDS FOR RELIEF

Mr. Ali’s continued restraint is unlawful because his sentence violates the Constitutions of the United States and Washington and the laws of the State of Washington. RAP 16.4(c)(2). This petition is timely and relief is warranted because there has been significant changes in the substantive law which is material to Mr. Ali’s sentence and sufficient reasons exist to require retroactive application of the changed legal standards.

Specifically, Mr. Ali raises the following legal claims:

GROUND ONE: Mr. Ali’s sentence is unlawful and unconstitutional because the sentencing court failed to consider imposition of a downward exceptional sentence based on Mr. Ali’s youth as a mitigating factor. Following Mr. Ali’s sentencing, the Supreme Court and Courts of Appeals of Washington entered multiple opinions holding that youth must be considered as a potentially mitigating factor under Washington’s Sentencing Reform Act of 1981 (“SRA”). The Court has further held that a failure to properly consider youth constitutes an Eighth Amendment violation. Based on this change in the law, Mr. Ali was wrongfully deprived of the trial court’s meaningful consideration of a downward

departure from the standard sentencing range based on youth. Justice therefore requires that he be resentenced pursuant to the current state of the law.

GROUND TWO: Mr. Ali's sentence is unlawful and unconstitutional because the sentencing court failed to consider running the deadly weapon enhancements concurrently. Following Mr. Ali's sentencing, the Supreme Court established that deadly weapon enhancements may be run concurrently based on the mitigating factor of youth, and that a failure to consider concurrent imposition of enhancements based on youth violates the Eighth Amendment. Justice therefore requires that Mr. Ali be resentenced pursuant to the current state of the law in this respect as well.

III. STATEMENT OF THE CASE

Mr. Ali came to America at a young age after fleeing with his family from war-torn Somalia, where his father was killed. *See Appendix, Exhibit "A," Defense Sentencing Memorandum.* He spent his adolescence trying to learn a culture and language that was alien to him. Despite showing promise in various aspects of his life, Mr. Ali unfortunately fell into the local criminal subculture, culminating in his arrest at the age of sixteen for a series of street robberies occurring in April and May, 2008.

On February 2, 2009, at the conclusion of a jury trial in King County Superior Court in King County, Washington, Mr. Ali was found guilty on eight counts, to wit, five counts of robbery in the first degree, two counts of attempted robbery in the first degree, and one count of assault in the first degree. *See Appendix, Exhibit "B," Judgment and*

Sentence. The jury further found that two of the robbery counts and the assault count involved the use of a deadly weapon, thereby adding sentence enhancements to those counts.

Prior to sentencing, Mr. Ali's trial counsel submitted a sentencing memorandum. *See Exhibit "A."* In the memorandum, counsel requested that the sentencing court impose an exceptional downward sentence of 120 months on the grounds that the presumptive sentence is clearly excessive under RCW 9.94A.535(1)(g). *See Exhibit "A" at 4.* In support of this argument, after noting the difficulties Mr. Ali faced adjusting to American life as a refugee from his native Somalia's bloody civil war, trial counsel advised the court that Mr. Ali is a seventeen year-old "young man with the potential to make something of his life" who is "a still impressionable youth offender," and who faces a "spirit-crushing" standard sentencing range. *See Exhibit "A."*

Mr. Ali's case proceeded to sentencing on May 27, 2009. At the outset of the hearing, the State requested that Mr. Ali be sentenced to the high end of the range, for a total sentence of 390 months. Sentencing, 5.27.2009 RP at 1416:12-23 ("RP" hereinafter). It emphasized to the court that it would be unlawful to grant Mr. Ali an exceptional sentence pursuant to his request, stating "[t]here is no legal basis for an exceptional sentence" because none of the mitigating factors set forth in the SRA are

present. RP at 1417:4-7. The prosecution stated it was “empathetic to the fact that Mr. Ali is a young man,” but nonetheless maintained that “there’s no legal basis” for imposing an exceptional sentence, adding “the Courts have determined that the bases set forth by [trial counsel] in his brief are, in fact, not a legal justification.” RP at 1417-18.

In response, Mr. Ali’s trial counsel noted that the mitigating factors listed in the SRA are non-exhaustive, and argued further that the presumptive range resulted in a sentence that was clearly excessive in light of the purposes of the SRA. RP at 1420:3-9. The reasons counsel presented for imposing a downward exception sentence included that Mr. Ali “is seventeen years old without criminal history” and has “endured extreme turmoil in his young life,” having been “born into a bloody civil war in his native Somalia,” and then having to adapt to American society and culture as an adolescent refugee without the guidance of his father, who had been killed prior to their flight from violence. RP at 1420:10-24. Counsel argued specifically that while youth “may not be an expressed statutory mitigating factor,” it is a circumstance that should be taken into consideration. RP at 1420:11-13.

Counsel then discussed Mr. Ali’s high potential to be rehabilitated and become a productive member of society as he matures, referencing the voluminous letters submitted on Mr. Ali’s behalf. RP at 1421. The letters,

thirty-six in all, provided context and background and requested leniency for Mr. Ali based on the unimaginable tribulations he faced in war-torn Somalia, the difficulties he faced adjusting to American life as a young immigrant, and the good qualities that he exhibited in his everyday interactions with members of the community. *See Exhibit "A" at 8-41.* The respective authors of the letters emphasized Mr. Ali's youth, the role that it played in the commission of the offenses, and the potential he has for maturity and rehabilitation.

The letters invariably described Mr. Ali with words such as "respectful," "family-oriented," "sweet," "compassionate," "intelligent," "kind-hearted," "helpful," "honest," "dependable," and "polite." *Id.* They also advised that, due to these positive qualities, Mr. Ali is a young man who is "full of potential," has a "bright future ahead of him," "has the potential to change for the better for himself and his family," "has a great deal to offer to his community," and "will do things different [sic] if he gets the chance to do so." *Id.*

Beyond these mere descriptions, the letters also included specific anecdotes illustrating Mr. Ali's redeeming qualities, including his efforts to raise money for an orphanage in Somalia, his regular performance of community service around the neighborhood, his strong performance in the classroom when he was properly engaged, and his positive

involvement in youth soccer as both a player and a coach. *Id.* Many also expressed their disbelief that Mr. Ali could commit the crimes alleged, as such conduct fell well outside of his peaceful and respectful character to which they were accustomed. *Id.*

Community members testifying on Mr. Ali's behalf at sentencing echoed these sentiments. RP at 1424-30. They told the court of "a young, inexperienced man," who was placed in an unfamiliar culture with an unfamiliar language, "like somebody put him in an ocean without learning to swim," in which he "dealt with gang dealing and peer pressure." RP at 1424-30. Despite these tremendous disadvantages, the individuals speaking at sentencing advised the court that Mr. Ali demonstrated many admirable qualities throughout his short life and that he "has a lot to offer to our society" as he matures if given a second chance. RP at 1425-26.

The court, while expressing appreciation for the comments made on Mr. Ali's behalf and understanding of the challenges he faced as a young refugee, concluded that it was not permitted to sentence Mr. Ali below the SRA range, stating:

the question is what does the law require me to impose and is there any justification under the law for imposing a sentence below the standard range. And I cannot find that there is any legal justification that would allow that. So I find that the law requires me to impose a sentence within the standard range.

RP at 1431-32. The court also stated that it was required by law to run the three 24-month deadly weapon enhancements consecutively to each other and to the base sentence of 240 month. RP at 1432:10-14. Accordingly, the court went on to pronounce a “huge sentence for someone of [Mr. Ali’s] age” of 312 months, lamenting that it lacked discretion to do otherwise because “the law does not allow [the court] to depart from [the standard range] simply because of [Mr. Ali’s] age.” RP at 1432.

In closing, the court again expressed regret in having to impose such a high sentence on someone so young, noting for the record:

the sentence that was imposed was the lowest sentence that I legally felt I had the option of imposing in this case. I recognize Mr. Ali's young age and that is primarily the reason why [the low end of the SRA range] was imposed.

RP at 1436:1-5.

At a pretrial hearing, the State sought to exclude evidence of Mr Ali’s age and background at trial, arguing further that Mr. Ali’s age was an unsettled issue as his Somali birth certificate lists a birthdate of January 1, 1992, but his driver’s license shows a birthdate of January 1, 1989. RP at 37. The State also argued that, even if Mr. Ali were sixteen, “he is an adult to this Court and that fact isn’t relevant to the jury’s determination.” RP at 37:6-7. After hearing these arguments, the court determined that Mr. Ali’s young age could be relevant at trial “as to how [he] comes across.” RP at 37. Ultimately, the issue of Mr. Ali’s year of birth went undecided

by the sentencing court. It is submitted that, to the extent it is relevant to the issues raised herein, Mr. Ali's birth certificate is the best evidence of his true year of birth, which is recorded as 1992. A true and correct copy of Mr. Ali's Somali birth certificate is included herewith as *Exhibit "C," Birth Certificate.*

Based on the foregoing history, and pursuant to the controlling law set forth below, Mr. Ali's sentence is unlawful. The sentencing court abused its discretion when it failed to recognize that it had discretion to impose a downward exceptional sentence and run weapons enhancements concurrently based on Mr. Ali's youth and the role it played in the offenses. This abuse of discretion also violated Mr. Ali's Eighth Amendment right to be free from cruel and unusual punishment. Therefore, it is respectfully requested that this matter be remanded for resentencing.

IV. ARGUMENTS AND AUTHORITY

A. Mr. Ali is Entitled to be Resentenced in Accordance with Changes in Washington Law.

"The Eighth Amendment to the United States Constitution compels us to recognize that children are different." State v. Houston-Sconiers, 188 Wn.2d 1, 18, 391 P.3d 409 (2017) (citations omitted). By failing to exercise its discretion to impose a downward exceptional

sentence and to run the sentence enhancements concurrently, the sentencing court in Mr. Ali's case violated this principle, and thus violated Mr. Ali's Eighth Amendment rights.

At the time of sentencing, the sentencing court, along with respective counsel for the parties, demonstrated a shared belief that the court lacked discretion to consider a lesser exceptional sentence or to run the deadly weapon enhancements concurrently due to Mr. Ali's youth and turbulent background. Based on new interpretations of the SRA expounded by the Washington Supreme Court and appellate courts following Mr. Ali's initial sentence, however, it is apparent that this belief was mistaken. See Houston-Sconiers 188 Wash. 2d at 24 (the "mandatory nature" of the SRA weapon enhancement penalties violates the Eighth Amendment when applied to youths); State v. O'Dell, 183 Wn.2d 680, 693, 358 P.3d 359 (2015) (youth must be taken into consideration as a factor justifying exceptional sentences downward, even for adults). See also In re Pers. Restraint of Light-Roth, 200 Wash. App. 149, 152 (2017) (a defendant sentenced prior to O'Dell "deserves an opportunity to have a sentencing court meaningfully consider whether his youthfulness justifies an exceptional sentence below the standard range").

These recent cases mandate resentencing of Mr. Ali because (1) the role Mr. Ali's youth played in contributing to his criminal activity should have been evaluated at sentencing as a possible mitigating factor warranting an exceptional downward sentence, and (2) the court should also have considered concurrent imposition of the deadly weapon enhancements based on Mr. Ali's youth.

The Court's failure to exercise its discretion on these issues, although understandable given the state of the law at the time, has resulted in a "fundamental defect" in Mr. Ali's sentence "that inherently results in a miscarriage of justice." In re Pers. Restraint of Light-Roth, 200 Wash. App. at 165 (quoting In re Pers. Restraint of Rowland, 149 Wn. App. at 507). See State v. Bunker, 144 Wn. App. 407, 421, 183 P.3d 1086 (2008), aff'd, 169 Wn.2d 571, 238 P.3d 487 (2010) ("A trial court's erroneous belief that it lacks the discretion to depart downward from the standard sentencing range is itself an abuse of discretion" (citing State v. Garcia-Martinez, 88 Wn. App. 322, 329-30, 944 P.2d 1104 (1997))). Further, the failure to acknowledge discretion as to these issues not only constituted an abuse of discretion, but also violated Mr. Ali's Eighth Amendment rights. Thus, this Petition should be granted and the matter should be remanded to resentence Mr. Ali in accordance with current law.

1. The sentencing court abused its discretion in failing to meaningfully consider Mr. Ali's request for a downward departure based on age.

The trial court committed caused a miscarriage of justice in refusing to consider Mr. Ali's request for an exceptional sentence below the standard sentencing range due to his youth and background, and the role those factors played in the commission of his crimes. After Mr. Ali's sentence was imposed and upheld on direct appeal, the Supreme Court held, for the first time, that Washington law allows for consideration of youth as a mitigating factor justifying downward departures from standard sentencing ranges established by the SRA. O'Dell, 183 Wn.2d at 693. Mr. Ali is entitled to be resentenced consistent with the decision in O'Dell.

Prior to O'Dell, in State v. Ha'mim, 132 Wn.2d 834, 940 P.2d 633 (1997), a defendant pled guilty to first degree robbery with a deadly weapon and asserted that her age justified a downward departure from the SRA standard range. Id. at 837. At sentencing, the court accepted her argument and imposed such a sentence. Id. at 838. The State appealed the exceptional sentence, and the Court of Appeals reversed, holding that the defendant's youth did not justify the exceptional sentence. Id.

The Supreme Court upheld the reversal, concluding that "the age of the defendant does not relate to the crime or the previous record of the defendant," and thus does not justify a downward departure under RCW

9.94A.340, which states "the sentencing guidelines . . . apply equally to offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or the previous record of the defendant."

Id. at 847. The Court thus held the defendant's "age is not alone a substantial and compelling reason to impose an exceptional sentence."¹

Id.

In O'Dell, the Supreme Court rejected the "sweeping conclusion" in Ha'mim that "[t]he age of the defendant *does not relate to the crime* or the previous record of the defendant." Id. at 695. (emphasis in original) (quoting Ha'mim, 132 Wn.2d at 847). Instead, the Court held that youth may justify a downward departure from the SRA so long as there is evidence "that youth in fact diminished a defendant's culpability." O'Dell, 183 Wn.2d at 689. This change in thinking was effectuated by recent U.S. Supreme Court opinions relying on psychological studies regarding "adolescents' cognitive and emotional development," that have established "a clear connection between youth and decreased moral culpability for criminal conduct." Id. at 695 (citing Miller v. Alabama, 567 U.S. 460, 132

¹ The Court did note, however, that age "could be relevant" to the statutory mitigating factor that the defendant's capacity to appreciate the wrongfulness of her conduct or conform her behavior to the law was impaired. Ha'mim, 132 Wn.2d at 846. Nonetheless, the court found such an argument unavailing because the trial court had made "no such finding." Id.

S. Ct. 2455 (2012) (mandatory life sentences without parole violate the Eighth Amendment when applied to juveniles); Graham v. Florida, 560 U.S. 48, 130 S. Ct. 2011, 176 L. Ed. 2d 825 (2010) (prohibiting sentences of life without parole for juveniles convicted of crimes other than homicide); Roper v. Simmons, 543 U.S. 551, 125 S. Ct. 1183, 161 L. Ed. 2d 1 (2005) (juveniles may not be sentenced to death because of their immaturity and heightened capacity for reform)). The Court further noted that these studies “reveal fundamental differences between adolescent and mature brains in the areas of risk and consequence assessment, impulse control, tendency toward antisocial behaviors, and susceptibility to peer pressure.” O'Dell, 183 Wn.2d at 692 (footnotes omitted).

The Court then held that, while “age is not a per se mitigating factor,” youth is “far more likely to diminish a defendant's culpability than” the Court indicated in Ha'mim.² O'Dell, 183 Wn.2d at 695-96. Thus, “a trial court must be allowed to consider youth as a mitigating factor when imposing a sentence on a[young] offender.” O'Dell, 183 Wn.2d at 696. Because the trial court did not “meaningfully consider youth as a possible mitigating factor,” the matter was remanded for resentencing. Id. at 689.

² The Court did not overrule Ha'mim directly, but rather “disavow[ed]” the reasoning in Ha'mim to the extent it was inconsistent with its ruling. O'Dell, 183 Wn.2d at 689.

This Court has since recognized that O'Dell significantly impacted the use of youth as a mitigating factor. State v. Ronquillo, 190 Wn. App. 765, 780-83, 361 P.3d 779 (2015). In Ronquillo, the sentencing court gave a broader interpretation of Ha'mim than did the trial court in Mr. Ali's case, but nonetheless felt unduly constrained in its ability to make a downward adjustment based on the defendant's youth. Id. at 780. The sentencing judge stated:

I cannot rely on Mr. Ronquillo's age and the juvenile brain science to impose an exceptional sentence unless there's a demonstration that he lacked the neurological development to—at the time of his crime such that he did not understand right from wrong or that it impaired his ability to conform his conduct to the law. And reluctantly, the court concludes that that showing has not been made.

Id. Shortly after the defendant was sentenced, the Court issued its decision in O'Dell. Based on the judge's statement, and due to the O'Dell decision, this Court held “[t]he trial court erroneously believed Ronquillo's age could not be considered as a possible mitigating factor, whereas we now know from O'Dell that it can be.” Id. at 783. The matter was remanded for resentencing with specific instructions to the sentencing court to consider whether the defendant's culpability was diminished in light of O'Dell and Miller. Id. See also In re Pers. Restraint of Light-Roth, 200 Wash. App. at 165 (holding that a PRP petitioner “deserves an opportunity to have a

sentencing court meaningfully consider whether his youthfulness justifies an exceptional sentence below the standard range”).

Similarly, in State v. Rife, 194 Wash. App. 1016, review denied, 186 Wash. 2d 1027, 385 P.3d 114 (2016), the sentencing judge commented “as far as I’m concerned, [the SRA] takes the discretion away from me and every other trial judge ... [T]he court in essence is stuck, because I have to sentence within the requirements of the SRA.” . Based on this reasoning, the court declined to consider imposition of an exceptional sentence. Id. The appellate court stated that such a rigid interpretation of the SRA was improper, and held that a trial court’s “erroneous” belief that it lacks discretion to consider imposition of an exceptional sentence constitutes reversible error. Id.

Like the sentencing courts in Ronquillo, Rife, and O’Dell, the sentencing court in Mr. Ali’s case indicated its belief that Mr. Ali’s culpability was likely diminished due to his youth and background, but that it was prohibited from considering this as a mitigating factor. RP at 1432, 1436. The record at sentencing, supported by thirty-six letters, shows that Mr. Ali was a young man who, despite coming from an unimaginably difficult background, demonstrated many redeeming qualities throughout his short life. RP at 1424-30; *Exhibit “A” at 8-41*. The record further supports the conclusions that Mr. Ali’s criminal

activity was the result of a series of immature decisions that were heavily influenced by peer pressure, that these actions were out of character, and that Mr. Ali has demonstrated the potential to be rehabilitated and serve as a productive member of society as he matures. RP at 1424-30; *Exhibit* “A.”

Despite this record, the sentencing court in Mr. Ali’s case believed, like the sentencing courts in Ronquillo, Rife, and O’Dell, that it was categorically prohibited from imposing an exceptional sentence below the standard range based on youth. RP at 1432, 1436. With the benefit of these subsequent decisions, it is now clear that the sentencing court abused its discretion.

A refusal to consider youth as a mitigating factor “[i]s a failure to exercise discretion, which [i]s ‘itself an abuse of discretion subject to reversal.’” Light-Roth, 200 Wash. App. at 165 (quoting O’Dell, 183 Wn.2d at 697); see also State v. Grayson, 154 Wn.2d 333, 342, 111 P.3d 1183 (2005) (holding that a court abused its discretion by failing to consider a defendant's request for a drug offender sentencing alternative). O’Dell and Light-Roth are indistinguishable from the present case on this point. The trial court’s failure to “meaningfully consider youth as a possible mitigating factor” in Mr. Ali’s case constitutes clear reversible error.

It is further clear from the holdings in O'Dell, Ronquillo, Rife, and Light-Roth that such an abuse of discretion constitutes a “fundamental defect that inherently results in a miscarriage of justice,” thus meeting the burden imposed on personal restraint petitioners. Indeed, such was the express holding of this Court in Light-Roth, 200 Wash. App. at 165. Mr. Ali is therefore entitled to have his case remanded to the trial court for resentencing, with instructions to the court to evaluate whether Mr. Ali’s culpability was diminished by his youth and to impose a sentence that properly takes this mitigating factor into consideration.

2. The sentencing court further abused its discretion in failing to consider concurrent imposition of the deadly weapon enhancements.

In sentencing Mr. Ali, the court stated “[t]he law requires that I impose 24 months for each of the three deadly weapon findings and that those be consecutive.” RP at 1432:10-12. Accordingly, the court ran all deadly weapon enhancements concurrently, tacking 72 months onto Mr. Ali’s sentence. This too constitutes a fundamental defect and a miscarriage of justice.

Since Mr. Ali’s sentencing, it has been established that the mandatory nature of the deadly weapon enhancement statutes violates the Eighth Amendment when applied to youths. In Houston-Sconiers, the Court in held:

sentencing courts must have complete discretion to consider mitigating circumstances associated with the youth of any juvenile defendant, even in the adult criminal justice system, regardless of whether the juvenile is there following a decline hearing or not. To the extent our state statutes have been interpreted to bar such discretion with regard to juveniles, they are overruled.

Houston-Sconiers, 188 Wash. 2d at 21. This constitutional principle was violated in Mr. Ali's case by the sentencing court's mistaken belief that it had no discretion whatsoever to impose an exceptional sentence or run deadly weapon enhancements concurrently.

The defendants in Houston-Sconiers were 17 and 16 years old at the time of the offenses, but, like Mr. Ali, tried and convicted as adults. Id. at 8. They committed a series of robberies of Halloween trick-or-treaters, threatening their young victims at gun point while wearing Halloween masks. Id. at 10-11. The firearm enhancement penalties totaled 372 months and 312 months for the respective defendants. Id. at 8.

The court imposed the full statutory penalties, as it felt it had no discretion to impose firearm enhancement penalties concurrently. Id. at 9. It did, however, impose a base sentence for the underlying offenses of zero months, even though it believed doing so violated the SRA (a mistaken belief in light of O'Dell). Id. at 13. In reversing the sentences,

the Supreme Court held that the “mandatory nature” of RCW 9.94A.533, the deadly weapon enhancement statute, violates the Eighth Amendment’s prohibition on cruel and unusual punishments when applied to young offenders. Id. at 24.

Like the defendants in Houston-Sconiers, Mr. Ali was a minor of only sixteen years old at the time of his offenses.³ While the sentencing court in Houston-Sconiers properly exercised its discretion to impose a downward exceptional sentence on the base sentences (despite its erroneous belief that this was unlawful), it failed to do so as to the enhancements.

In Mr. Ali’s case, the sentencing court failed to exercise discretion either as to the base sentence or the enhancements, believing that the SRA in general, and RCW 9.94A.533 in particular, prohibited it

³ Even if the Court accepts the date contained on Mr. Ali’s driver’s license, instead of that on his birth certificate, the studies of adolescent brain development underpinning the Court’s decisions in Houston-Sconiers, O’Dell, and the U.S. Supreme Court cases discussed herein, do not draw a magic line at the age of eighteen. In fact, they expressly reject the imposition of such a line. See Roper, 543 U.S. at 574 (“[T]he qualities that distinguish juveniles from adults do not disappear when an individual turns 18 [just as] some under 18 have already attained a level of maturity some adults will never reach”); O’Dell, 183 Wn.2d at 695 (“we now know that age may well mitigate a defendant’s culpability, even if that defendant is over the age of 18”). In any event, to the extent this issue needs further analysis, the appropriate solution would be to instruct the sentencing court to make a finding of fact as to Mr. Ali’s age prior to resentencing on remand.

from doing so. The holding in Houston-Sconiers that “[t]rial courts must consider mitigating qualities of youth at sentencing and must have discretion to impose any sentence below the otherwise applicable SRA range and/or sentence enhancements,” makes clear that Mr. Ali’s sentence was imposed on the basis of an interpretation of RCW 9.94A.533(4) that violated his Eighth Amendment rights.

Thus, in addition to Mr. Ali’s sentence being rendered unlawful in light of O’Dell, Houston-Sconiers further establishes that Mr. Ali’s sentence was imposed pursuant to a deadly weapon enhancement statute that violates the Eighth Amendment prohibition against cruel and unusual punishment by virtue of its “mandatory nature.” Houston-Sconiers further establishes that the failure of the sentencing court to consider Mr. Ali’s youth as to the imposition of the base sentence also violates the Eighth Amendment. Under these circumstances, Mr. Ali has plainly met his burden of demonstrating a “fundamental defect” resulting in a “miscarriage of justice.”

B. This Petition is Timely Because the Cases Relied Upon Herein Constitute Significant, Material Changes in Law that Apply Retroactively.

In general, personal restraint petitions must be filed within one year after the judgment becomes final. RCW 10.73.090(1). However, there

are exceptions to the one-year limit, including where there has been (1) a significant change in the law, (2) that is material to the defendant's sentence, and (3) applies retroactively. RCW 10.73.100(6). Although Mr. Ali brings this Petition outside of the one-year limit, the exception in RCW 10.73.100(6) applies because O'Dell and Houston-Sconiers constitute significant, material, changes in the law that apply retroactively.

In Light-Roth, 200 Wash. App. at 165, this Court analyzed precisely the issue presented here, namely, whether the change in law marked by O'Dell satisfies the RCW 10.73.100(6) exception. This Court held, in no uncertain terms, that it does. Id. at 3. Accordingly, Mr. Ali is also entitled to avail himself of this exception.

A change in the law occurs when a court decision breaks new ground or if the result was not dictated by precedent existing at the time the defendant's conviction became final. State v. Fort, 190 Wash. App. 202, 231, 360 P.3d 820 (2015). The key inquiry on a personal restraint petition is whether the defendant could have argued the issue before publication of the new decision. Fort, 190 Wash. App. at 231 (citing State v. Gomez Cervantes, 169 Wn. App. 428, 433, 282 P.3d 98 (2012)).

As recognized in Light-Roth, O'Dell marked a significant change in the law. State v. Law, 154 Wn.2d 85, 110 P.3d 717 (2005) and Ha'mim, the prior Supreme Court cases addressing the issue presented here,

“effectively prevented trial courts from considering whether a young adult defendant's age diminished his or her culpability unless something else tied the defendant's youth to the crime itself.” In re Pers. Restraint of Light-Roth, 200 Wash. App. at 160. Indeed, the trial court in Mr. Ali’s case stated explicitly that it believed the existing law prevented it from considering Mr. Ali’s argument for an exceptional sentence below the standard range based on youth.

O’Dell, however, approved of the argument previously rejected by the Court and held that trial courts are henceforth allowed to consider youth and immaturity as mitigating factors that can justify downward departures from the SRA standard ranges. See In re Pers. Restraint of Light-Roth, 200 Wash. App. at 165. Accordingly, in Light-Roth, this Court rejected the State’s argument that O’Dell merely clarified existing law, and concluded instead that O’Dell “announced a significant change in the law.” Id.

The Court held further that the change in law marked by O’Dell must be applied retroactively “because it announced a new interpretation of the SRA.” In re Pers. Restraint of Light-Roth, 200 Wash. App. at 160. This conclusion flows from the established principle that “[o]nce the Court has determined the meaning of a statute, that is what the statute has meant since its enactment.” Id. (citing In re Pers. Restraint of Johnson, 131

Wn.2d 558, 568, 933 P.2d 1019 (1997)). Because O'Dell provided a changed interpretation of RCW 9.94A.535(1), the statute must be interpreted retroactively as allowing downward departures based on youth and immaturity since their enactment. Id.

The final element, materiality, is also met in this case, on the same grounds it was deemed to have been met in Light-Roth. The State argued in Light-Roth that the change in law announced in O'Dell, if any, was immaterial because the defendant failed to request a downward departure based on his youth at the trial court level. Id. at 161. This Court rejected the State's argument because:

It is unreasonable to hold that a case announced a significant change because it made a new argument available to a defendant, and then hold that the change is not material because the defendant did not make that argument.

Id. It was therefore held that the change in the law O'Dell announced was material to the defendant's sentence, because the defendant would be able, upon resentencing, to now argue for an exceptional sentence below the standard range based on youth. Id.

In this case, there is abundant evidence in the record that Mr. Ali would have, or should have, received a lesser sentence with the benefit of the subsequent change in law, thus meeting the materiality requirement of RCW 10.73.100(6). Mr. Ali in fact argued for a downward departure based on his youth and difficult background, but this argument was

rejected offhand by the sentencing court as being precluded by existing law. Thus, even accepting the State’s argument in Light-Roth, Mr. Ali meets the materiality requirement because he raised the issue at the trial court level.

Moreover, the reasoning applied in Light-Roth with respect to O’Dell applies also to the holding in Houston-Sconiers. Prior to Houston-Sconiers, courts, including Mr. Ali’s sentencing court, believed they were categorically prohibited from imposing deadly weapon enhancements concurrently based on the mandatory language contained within RCW 9.94A.533. Like O’Dell’s rejection of the “sweeping conclusion” in Ha’ mim, Houston-Sconiers overruled the “mandatory nature” of RCW 9.94A.533 for the first time. Thus, Houston-Sconiers constitutes a significant change in the law in the same manner as O’Dell.⁴

The holding in Houston-Sconiers must further be applied retroactively, as it provides a new interpretation of the SRA, striking down as unconstitutional the “mandatory nature” of the deadly weapons enhancements. The materiality of the change in law brought about by these holdings to Mr. Ali’s sentence is clear. Mr. Ali was denied the

⁴ Even if Houston-Sconiers somehow does not itself constitute a change in the law, it relied at least to some degree on the change in the law marked by O’Dell. Thus, the change in law marked by O’Dell likewise can be applied to the issue of consecutive imposition of enhancements for purposes of the RCW 10.73.100(6) analysis.

opportunity to have the sentencing court meaningfully consider his youth as a mitigating factor warranting a downward exceptional sentence and concurrent imposition of the deadly weapon enhancements. See In re Pers. Restraint of Light-Roth, 200 Wash. App. at 160.

Mr. Ali's Petition therefore meets all the requirements of the exception to the one-year limit codified at RCW 10.73.100(6), as to both issues raised herein, and this Petition is timely.

V. CONCLUSION

For the foregoing reasons, this Court should grant the Petition and remand this matter for resentencing to evaluate whether Mr. Ali's culpability was diminished by his youth and to resentence accordingly.

Respectfully submitted this 20th day of October, 2017.

LAW OFFICE OF COREY EVAN PARKER


Corey Evan Parker, WSBA #40006
Attorney for Petitioner, Said Omer Ali

OATH

I declare under penalty of perjury under the laws of the State of Washington that I am the attorney for the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

Respectfully submitted this 20th day of October, 2017.

LAW OFFICE OF COREY EVAN PARKER

By Corey Evan Parker
Corey Evan Parker, WSBA #40006
Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Corey Evan Parker, certify under penalty of perjury under the laws of the United States and of the State of Washington that on October 20, 2017, I caused to be served the document to which this is attached to the party listed below in the manner shown next to their name:

Attorney for Respondent:

King County Appellate Unit
paoappellateunitmail@kingcounty.gov

- By Email
- By Fax
- By Fed Express
- By Hand Delivery
- By Messenger

Corey Evan Parker

Corey Evan Parker
WSBA #40006
1275 12th Ave. NW Suite 1B
Issaquah, WA 98027
(425) 221-2195

APPENDIX

Exhibit “A”

RECEIVED
MAR 25 PM 12:10
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

Honorable Laura Inveen

IN SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)	
)	
Plaintiff,	)	Nos. 08-1-05113-3 SEA
)	
v.)	
	)	DEFENSE SENTENCING
	)	MEMORANDUM
SAID ALI,)	
Defendant.)	

Statement of the case

At a jury trial defendant Said Ali was convicted of five counts of robbery in the first degree, each a violation of RCW 9A.56.200 and 9A.56.190, two counts of attempted robbery in the first degree, violations of RCW 9A.28.020, 9A.56.200, and 9A.45.190, and a single count of assault in the first degree, a violation of RCW 9A.36.011(1)(a). The defense has moved to arrest the judgment of one of the robbery counts (Count VIII of the Second Amended Information) for lack of a *prima facie* showing at trial.

Sentencing is scheduled for March 27, 2009.

MICHAEL NANCE
ATTORNEY AT LAW
615 SECOND AVENUE, SUITE 760
SEATTLE, WASHINGTON 98104
(206) 624-3211

Sentencing Recommendation

The defense recommends the court impose the following sentence:

1. An exceptional sentence of one hundred twenty (120) months;
2. \$500 Victim Penalty Assessment; \$100 DNA collection fee;
3. No contact with victims;
4. All other financial obligations should be waived.

SRA calculation

Mr. Ali was convicted of eight crimes, two of which (the assault first degree/DW and robbery first degree/DW against victim Carl Halliburton) were part of the same criminal conduct)¹ and one of which (the robbery first degree against victim Colin Walker) lacked a *prima facie* showing at trial. Of the remaining offenses, their presumptive ranges under the Sentencing Reform Act are scored as follows:

count	offense	seriousness level	offender score	monthly range (w/o DW)
1	robbery 1/DW (Martin)	IX	5 current violent x 2 = 10	129 – 171

¹ 'Same criminal conduct' means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. RCW 9.94A.589(1)(a). When determining whether two crimes share the same criminal intent, courts focus on whether the defendant's intent, viewed objectively, changed from one crime to the next, and whether commission of one crime furthered the other. *State v. Vike*, 125 Wn.2d 407, 411, 885 P.2d 824 (1994).

2	robbery 1/DW (Halliburton)	IX	same course of conduct as count III	
3	assault 1/DW (Halliburton)	XII	5 current violents x 2 = 10	240 – 318
4	att robbery 1 (Douglas)	IX	5 current violents x 2 = 10	96.75 – 128.25
5	robbery 1 (Longbrake)	IX	5 current violents x 2 = 10	129 – 171
6	att robbery 1 (Rollins)	IX	5 current violents x 2 = 10	96.75 – 128.25
7	robbery 1 (Terpstra)	IX	5 current violents x 2 = 10	129 – 171
8	robbery 1 (Walker)	IX	lack of <i>prima facie</i> case	

The ranges run concurrently with each other, and the 48 months arising from the two deadly weapon allegations run consecutively, resulting in an aggregate SRA range of 288 – 366 months. *See* RCW §§ 9.94A.589, 9.94A.533(4).

Discussion

Said Ali has seen his dream of a new life in America with his Somali family turn into a nightmare with the prospect of spending his young adulthood in prison. He contested his criminal charges at trial and must now contend with the multiple guilty verdicts. Even if those verdicts are taken at face value, his case cries out for a sentence

below the draconian and stratospheric presumptive ranges of the SRA guidelines.

The court may impose a sentence outside the standard sentence range when it finds, considering the purpose of the SRA, substantial and compelling reasons justifying an exceptional sentence. RCW 9.94A.535. It may impose an exceptional sentence below the standard range if it finds mitigating circumstances by a preponderance of the evidence. Among the illustrative, non-exclusionary reasons cited by statute is the circumstance of multiple offenses resulting in a presumptive sentence that is clearly excessive in light of SRA purposes. RCW 9.94A.535(1)(g). Here, the court clearly has a legal and factual basis for departing downward from the SRA range.

Those purposes are explicitly set forth in RCW 9.94A.010:

1) *Ensure that the punishment for a criminal offense is proportionate to the seriousness of the offenses and the offender's criminal history.* The crimes for which Mr. Ali was convicted are quite serious, but he has no criminal history and, despite the good intentions of his family (a family that is markedly absent a father figure) has largely learned to assimilate into American culture from his peers on the street. He has overcome significant cultural barriers to learn English but has obviously lacked adequate parental guidance. The state's proposed sentence is about twice the length of his current lifetime. The defense proposes a reduced, but still severe, sentence of ten years, still over a half his current lifetime.

2) *Promote respect for the law by providing punishment which is just.* The imposition of a spirit-crushing sentence that cages the seventeen-year-old Mr. Ali for the next third of a century will more likely make a martyr of Mr. Ali within the prison and street gang culture than to promote respect for the law. A ten-year sentence would be very stiff, hold him accountable for his violent, foolish behavior.

3) *Be commensurate with the punishment imposed on others committing similar offenses.* As of this writing, Mr. Ali is the only member of an extensive group of young Somali males perpetrating robberies who has even been convicted, apart from facing heavy punishment.

4) *Protect the public.* Putting Mr. Ali away for ten years will protect the public for at least that long. Thereafter, he will likely face immigration consequences and, even if he has not matured beyond his youthful angsts, not be a threat to the community.

5) *Offer the offender an opportunity to improve himself.* Obviously, this factor is better realized if Mr. Ali is in a setting other than the Department of Corrections. A reasonable inference from the jury verdict is that his anti-social behavior escalated when he left the public school system and lacked constructive outlets for his energies. Surely, whatever his future, he would benefit from vocational training available within the Department of Corrections and elsewhere.

6) *Make frugal use of the state's and local government's resources.* In this era of

government budgetary shortfalls, suspended programs, and pending deficits, longer sentences – especially those measured in decades – virtually guarantee more of the same: increased costs, an overburdened corrections bureaucracy, and untold lost human productivity and potential.

7) *Reduce the risk of reoffending by offenders in the community.* Taken to its logical extreme, no one would ever get out. This should be interpreted as a directive to impose an appropriately stern sentence but not one that stifles all hope.

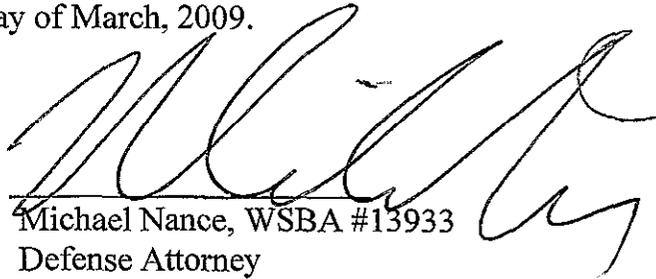
Despite his present predicament, Said Ali is a young man with the potential to make something of his life. As a still impressionable youth offender who faces many personal challenges and questions in his future, he will be forever shaped by the sentence of this court. As he matures, he will better appreciate and incorporate any understanding and grace he receives.

Mr. Ali enjoys broad family and community support. A number of supporters have written letters on his behalf. Others wish to speak on his behalf.²

Under the circumstances, the defense asks the court to impose an exceptional sentence of ten years.

²Several supporters have indicated, subject to court discretion, a desire to speak at Mr. Ali's sentencing. These include family friends Mohamed Hussein, Hassan Warheera, and Mohanud Abdillah and his mother, Safia Nur.

Respectfully submitted this 25th day of March, 2009.



Michael Nance, WSBA #13933
Defense Attorney

Dr. Abdulwali Abdullahi

**Teaching at the Seattle Public Schools
Tel: (206) 617-9165**

**To Honorable Laura Inveen
King County Superior Court Judge
516 Third Avenue
Seattle, WA 98104**

Seattle, Thursday, February 26, 2009

Dear Justice Laura;

I have the pleasure to submit this humble note of mine at your respected desk, as a plea request for the fate of the young civil war survivor **Said Omer Ali** whose fate is in your front.

As you might know, Said and his other family members are socio-culturally exhausted survivors of one of the most gruesome human atrocity that our living memory have ever recorded which have had ruined and still ravaging the once prospering Somalia, where now only death waiting communities do suffer in misery sheds and under the helpless shadows of ghost villages under the mercy of Islamic extremist militia thugs.

Of course, Said might be among those who didn't understand why they are here in the USA and why their kinships are dispersedly scattered in all corners of this globe, while he might not fully understand where his relatives might be (whether they are alive or not or even they are alive, where they do live).

My note is not to interfere your responsibility as a judge, nor it is to intervene between Said and our justice system, but it is only to request you please see Said as an astray of our system who is capsized between the horrible nightmarish and newly formed culture that he and his family have had experienced during their flee from the hellish Somalia and our whole new set of socio-cultural norms and advanced laws that he could hardly grasp.

I couldn't imagine that the Said I knew could be transformed in to such a person whose destiny will go this way. He was an active, heeding, respectful and fast learning student where he used to participate in youth sports and other integration activities that our well guided community youth are under going in their adjustment of the new system.

Therefore, I do hereby request you respectfully, to consider the case of Said Omar Ali, as a phenomenon happened by the ignorance of abiding laws.

Anticipating your kindly consideration of my humbly requesting note, I will remain;

Yours truly,



Dr. Abdulwali Abdullahi

A former professor of law and philosophy



Somali Community Services Coalition

15027 Military Road South, Suites 4,5, and 6

SeaTac, WA 98188 (206) 431-3536 Fax: (206) 431-5141

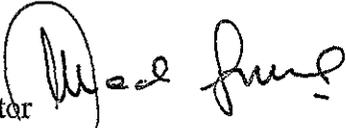
2/17/2009

To Whom It May Concern:

As a community elder and a close friend of the family, I write this letter to speak to the character of Said O. Ali. I have known Mr. Ali since he was a child and have never seen him consciously engage in destructive or evil behavior. I have watched him grow from a child to a young adult. All my experiences with Mr. Ali have been heartening.

I am not aware of what he is being tried for but I know he has a good heart and the will to better himself as a young man. He is an able young man; the backbone of his family. His mother and sisters depend on him on many aspects. Please take the words of this letter to heart as you consider the character of this young man. Please consider, too, the effect it will have on his family if he is dealt with harshly.

Sincerely,

Ahmed Jama
Executive Director 
Somali Community Services Coalition
15027 Military Road South, Suites 4, 5 and 6
SeaTac, WA 98188 (206) 431-4536



SOMALI COMMUNITY SERVICES OF SEATTLE

**3320 Rainier Ave So
Seattle, WA 98144**

**P.O. Box 28310
Seattle, WA 98118**

Tel: (206) 760-1181, Tel: (206) 760-1115, Fax: (206) 760-1186

To: Judge Laura Inveen
516 - 3rd Avenue
Seattle, WA 98104

Date Feb 12, 2009

As the president of the Somali Community Service of Seattle, and on the behalf of the community, I am writing this letter concerning about the sentencing of Said O. Ali. Said and his family are members of the Somali Community.

I have known Mr. Said for about 3 years and he has been one of the youth members of the community. From the first day I met, he was respectful, sweet, and generous. He took the time out of his schedule to come and help the community. Said has been faithful, trustworthy, and honest at all time. I have never seen or heard him do anything that will cause a physical or emotional harm on another human being.

The years I have known Said, I have never seen him involve in violence. Said has always looked forward to the future. He always wanted to get a decent education so he could help his family. Said has being a watchful protector of his family especially his five sisters and mother.

Said is one of a kind and the community needs him, He is young man who has a respect for all human being and believes in good. Your honor, as you deliberate Said's sentencing. I would like you to consider this letter and understand deeply what this young man can do for his family as well as the community

I would like to take this opportunity and support him to get fair trial. Mr. Said. He is a young man who needs help. We know what his family, goes through sometimes when you missing your love one, as a community we strongly supporting them

Please feel free contact us, if you have a question regarding this letter. Our phone number is (206) 760-1115 or emails us at farahsarah@yahoo.com

Sincerely,

Sahra Farah
President

Somali Community Services of Seattle



East African Community Services

"Refugees and immigrants are more than images of despair crying out for charity. They are agents of changes, of cultural cross fertilization, of development and of growth."
Sadako Ogato, the former United Nations High Commission for Refugee

February 6, 2009

Re: Said O. Ali

To Whom It May Concern:

As a leader in the East African community, I write this letter to vouch for the character of Said O. Ali and share with you my personal experiences with him.

I have known Said since he was a child. He is a family-oriented hard-worker who has dedicated himself to serving his family and community, giving his free time to service. In a community that has experienced the trauma of forcibly leaving home, learning a new language and adapting to a new culture, and being constantly battered by violence and upset while here, a teenager like Said—admired by his peers, committed to his family—is a shining example of the triumph of the human spirit. Kind-hearted, he goes out of his way to help those in need knowing firsthand the needs of the Somali refugee community here.

For all the years I have known Said, I have never seen him seek out conflict; instead, he is often the first to seek resolution to conflict. He carries himself in a respectful manner and treats people accordingly.

I speak personally from my relationship with him and as a community elder; Said is a leader among his peers, a young man kids look up to and admire. Personally and representing the community, I entreat you to take these words into account when judging his character.

Sincerely,

Abdurahman Jama
Executive Director
East African Community Services
(206) 721-1119
jama@eastafriancs.org



CITY AND COUNTY OF DENVER

DEPARTMENT OF PUBLIC WORKS

John W. Hickenlooper
Mayor

The Honorable Laura Inveen

King County Courthouse
516 - 3rd Avenue
Seattle, WA 98104
Phone: (206) 296-9268
Fax: (206) 296-0986
TTY: (206) 205-5048

Date: February 25th, 2009
Ref. Case #: 081040107

Dear Judge Inveen,

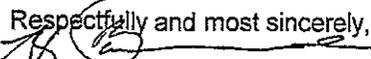
I happen to be a close relative of the defendant in the above referenced case. I heard the jury verdict from his mom, Safia Nur who is a well respected person in our communities for her dedication on unconditionally and continuously helping so many desperate people. She is devastated and distressed the profound effects this case caused to all those concerned.

Said Omer, who was born in 1992, was raised in well liked family. A wonderful family, that discipline, hard work and the respecting others were their standard unit of measurement. They were the mark of our communities. Everyone was receptive in their house. They used to have a couple neighborhood kids come with their children and eat with them everyday. Said is an inspiration in his family. He is certainly one of the most intelligent, compassionate and goal driven young man that any of us have the pleasure of knowing. He has aspirations and dreams of making this world a better place

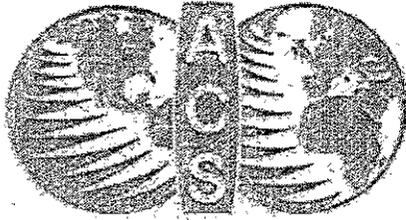
The intend of this communication is to ask the judge that this community in State of Colorado and so many others, friends and families on all over the globe do respectfully request to be humane and benevolent for the sentence for Mr. Omer. We ask you consider all the good that he has done, all the contributions he has made to his society and the severe suffering that has accompanied every single moment during this case. He seeks the prospect to continue serving his community in a positive behavior. He never had a series of criminal history and so he is characterized a non-habitual offender.

Your honor, our prayers are with you; our hearts goes out to you, and our hopes that his life will not be absolutely destroyed rest exclusively in your hands.

Respectfully and most sincerely,


Ali Gulaid
Construction Survey Engineer
City and County of Denver
Development Engineering Services
Denver, CO 80202
720-865-3132 Office
720-865-3280 Fax
Ali.gulaid@denvergov.org

TRANSPORTATION DIVISION
Capital Projects Management
Development Engineering Services
Infrastructure Planning & Programming
Traffic Engineering Services
201 W. Colfax Avenue
Denver, CO 80202
<http://www.denvergov.org>



Awdal Charity Services Inc.

**Honorable Judge Laura Inveen
King County Superior Court
516 Fair Avenue C-203
Seattle WA, 98104**

Dear Judge Inveen,

I have known Mr. Said Ali and his family since they arrived in Seattle Washington four years ago through contacts they have made through our organization. Mr. Ali's mother Safia Nur has informed us here at Awdal Charity Services Inc. that her son has pled not-guilty to the robbery charge and she believes he is innocent. Mr. Ali came from a hard working highly regarded family whose aim was to come to the United States to escape from the civil war in Somalia and achieve their dreams, live safely, and finally live a life of freedom.

Mrs. Ali has worked very hard to raise her six children, being a single mother. At our organization, we are dedicated to helping Somali people both here and back home. We have interviewed members of the Somali community in Seattle and we have heard that Mr. Ali is a decent young man who even coached soccer to at risk youth in his neighborhood. From hearing what we have from members of the Somali Community in Seattle, we feel that Mr. Ali has not received a full and fair investigation.

Your Honor, we fully respect the United States legal system and understand that this charge is against the law. However we would like to ask that you please consider that there might be other parties involved and that all the blame cannot simply rest on a 17 year olds shoulders. He is not a criminal. He has always respected others throughout his life and has helped his mother and sister's. We ask you to please consider these facts.

Thank you for your time and consideration.

Safia Ismael
President Awdal Charity Services Inc

Honorable Laura Inveen
King County Superior Court Judge
516 Third Avenue
Seattle, Washington 98104

February 20, 2009

Re: Said Omer Ali

To Whom It May Concern:

As a teacher Assistant at Ingraham High School, I am writing this letter about Mr. Ali's character and what kind of person he is. I have known Said for about 3 years. From the years I have known Said; I have watched him grow from a boy to a young man. Said has been respectful young man. Mr. Ali has always had a positive attitude toward everyone. He was always determining to get a good education so he could help his family.

I have never seen Said involve in violence. He never attempted to hurt anyone emotionally and physically. As a member of the Somali Community, I would always see Said and his Family at the community center. From that, I knew Said was a great young man who helps his community.

Your honor, as you determine Said's sentencing I would appreciate if you consider this letter. I would like you to see Mr. Ali more than just an individual, but a young man who is determine to change for the better for himself and his family.

If you need anymore information, please contact me.

Sincerely



Phone: (206)579-4178

Address: Abdirizaq Ali
312 2nd Ave W Apt.410
Seattle, WA 98119

Feb 10th, 2009

Ali Omer Ugas
Instructional Assistance
Dunlap Elementary School

SUBJECT: Support to reconsider Said Ali's Case.

Dear Judge

Your Honor, the purpose of this letter is to request your reconsider the case of Said Ali (The Somali Youth who just arrived in USA three years ago as refugee, and now facing serouse case built against him by Police man serving in University Districts. As Somali Community member, I Support the trial court in King County systems to serve the common cause and security in our area. As we all aware, sometimes the innocent person got into the wrong hand charged with serous crime while the crime doers are still at large and wondering around somewhere sometime.

Should Said Ali be one of these innocent individual who still searching the Justice to be served on them? Yes! Mr. Ali' raised by well educated mother from well respected family background. Ali's grandfather was one of the few Somali leaders who served in Somalia with loyalty and good governance late 1985 as Somali Finance Minister.

Said Ali is young, energetic and soccer player in our neighborhood and I shocked when I heard that he is been arrested for serous multiple crime including robber. I am not hereby confessing or denying any legal system, but my role of knowing him and his family drove me to write this letter today to encourage any legal action against Mr. Ali need to be fully investigated thoroughly before putting him behind the bars for second hand committed unsolved crime.

Again, I am requesting here with your Honor to reconsider this case and give more time to gather and collect all the evidence from both sides. As Somali Community member we will be happy to see any outcome humanly justice served on Minority Community in our neighborhood.

Sincerely,

Ali O. Ugas

Mohamed Saireh
23501 62nd Ave S.
Kent, Washington.

Honorable Judge Laura Inveen
King county superior court
516 3rd Ave Seattle 98104

I am privileged to write in support of my dear family friend and a community member, Safia Q. Nur and her son Said Ali. I have known Safia Q. Nur since childhood, during the time I witnessed her tremendous growth and development. This development came not only in the area of scientific achievement and discovery, but in maturity and character as well. Her son, Said Ali achieved from the family trait.

On her arrival to Seattle Ms. Nur adjusted herself into the community, registered to North Seattle community college prepare herself to contribute to the community.

At first, she had difficulty accepting her place as an immigrant, less experienced labor member. But soon, she learned the valuable trait of humility, and enjoyed the opportunity to learn from former immigrants. Ms. Nur is a well respected leader in the community along with her children who motivate the community to participate local activities and state wide affairs.

Mr. Said has carried excellent qualities from his mother and is recognizable among the community. According to his close friends, he is a boy of integrity, truthful, respectful and generous to women, children and the elderly.

Your honor, I am here to request your kindness to look this young boy on a keen eye; give him another chance to rebuild his life, become an active citizen again, and I am sure he will thrive and grow up with dignity and respect with others and to himself.

Thank you for the opportunity of correspondence,

Sincerely,

Mohamed Saireh.

Judge Laura Inveen
Superior Court.

02/27/2009

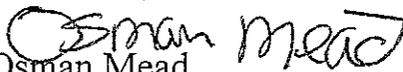
To Whom It May Concern:

I Osman A. Mead Reside 27306 23rd Ave. South # 26, Federal way,
Washington 98003 certify that I have been known Safia Qaadi for more then
40 years. Safia was my class mate in high school; we have graduated high
school in 1977 back home in Somalia. I met her again when she reunited her
family in Seattle. During my frequent visitation to her house, I met her son
Said Ali, who was respectful and courteous to me. He always helps and
plays games with my two boys in his room. I never saw him arguing or
fighting with any one during that period. Based on my observation I believe
he is a descent nice boy who respects elderly and help young kids. He is
valuable member to our Somali community.

If you have any questions please contact me at (253) 737-9076

Thank you,

Yours truly,


Osman Mead

Judge Laura Inveen
King County Courthouse 516 Third Ave Rm 203
Seattle, WA 98104

02/27/09

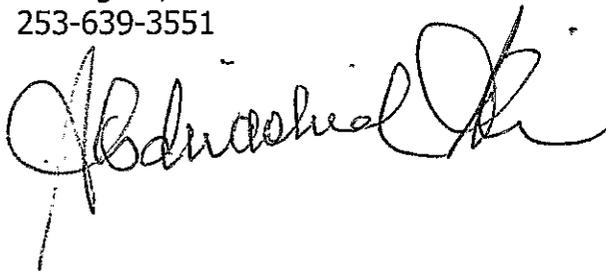
The honorable judge Laura Inveen:

I, Abdirashid Ali confirm that I have known Said Ali for four years as family friend. At all times I have found Said to be dependable, conscientious, honest, peace-loving, courteous and is extremely helpful to his family. I have always been amazed at his level of enthusiasm and kindness. Two years ago he participated with my daughter in fund raising for orphanage school in back home Somalia He not only raised enough money for this cause but also helped to organize the greater Seattle area Somali youth residents to participate.

I would certainly recommend Said for any task where enthusiasm, hard work and kindness are valued.

Sincerely,

Abdirashid Ali
25805 179th PL SE
Covington, WA 98042
253-639-3551

A handwritten signature in black ink, appearing to read "Abdirashid Ali". The signature is fluid and cursive, with a large initial "A" and "A".

February 28, 2009

Honorable Judge Laura Inveen
King County Superior Court Judge
516 Third Avenue
Seattle, WA 98104

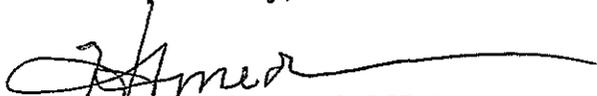
Re: Said Omer Ali

I, the undersigned, hereby affirm that I have known Said Omer Ali. I affirm that so far as I know, Said O. Ali has the following personal traits.

1. I noticed shyness and simplicity in the personal disposition of Said Ali.
2. I have known Said Ali to be kind and helpful to other people.
3. Said respects other people specially those older than him and his family members.
4. Said is appeared quiet and peaceful, and I have not known him fighting others.
5. As far as I know, Said has been honest person, and I have not known him taking the properties of others.
6. So far as I am aware of, Said Ali was not known to be entangled with gangs' activities.

I would therefore appreciate if the Court would extend clemency to the plight of this teenager, Said O. Ali.

Respectfully,



Hersi Mohamed, MBA
5416 Rainier Ave S.
Seattle, WA 98118

Honorable Laura Inveen
King county Superior Court Judge
516 Third Avenue
Seattle, Washington 98104

February 16,2009

Re: Said O. Ali

I, Abdirisq Abdulaahi, here declare that I have known Said O. Ali For 4 years, and that he has been a person of polite respectful and good character. I have not known him to be mixed with bad people such as gangs and their activities.

Also, I affirm that as far as I know Said Omer is not the kind of person who beats or robs other people. I have known Said as a simple respectful and peaceful young boy. He respects and loves his mother and sisters, and likes to help other people. That is what I know about Said Omer Ali.

Sincerely,



Phone: (206) 548-6200

Address: Abdirisq Abdulaahi Yusuf
9061 Seward Park Avenue S, Bld/Apt 386
Seattle, WA 98188

Honorable Laura Inveen
King County Superior Court Judge
516 Third Avenue
Seattle, Washington 98104

February 13, 2009

Re: Said O. Ali

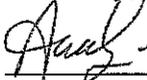
As a friend of Mr. Said O. Ali and his family, I write this letter to request your attention to his case. For the accusation against him, I respectfully ask that you take this testimony into account.

When I learned that Mr. Ali was being held and tried, I was appalled of all the years I have known him, he has been respectfully and outgoing young man. I never thought that he would be the type of person to engage in destructive behavior. This young man and his family have been a lot of very trying circumstances, both in Somalia and here In the United States. In spite of what he has been through, Said is trying very hard to make a good life for himself and his family.

I believe that people who truly know him and have seen him develop as a young man should speak to his character. Mr. Ali has a bright future ahead of him, full of potential and the will to make change.

Thank you for considering these words when you think of this young man's life and Judge him.

Sincerely,



Phone: (206) 788-5041

Address: Mohamed Hassan Bookh
9061 Seward Park Avenue S, Bld/Apt 386
Seattle, WA 98118

Honorable Laura Inveen
King County Superior Court Judge
516 Third Avenue
Seattle, Washington 98104

February 18, 2009

Re: Concerning what we know about
Said Omer Ali

This is to certify that the subject referenced, Said Omer Ali and his family has been known about four years, we are neighborhood every time I go Said family home, I see Mr. Said is quiet respectful and lovely peaceful boy. As far as we are aware of, we have not known Said O. Ali being involved in beating other people and/ or robbing others their property. Said Ali has good standing in the neighbor people he gets along with other people very well and kindly and respect people specially the people older than him.

Therefore, Honor I am requesting here to reconsider this case and give more time and will be happy to see more humanity and justice and kindly to serve on minority community like us.

Sincerely,

Asya M. Hasan

Phone: (206)361-2226

Address: Asya M. Hasan
14041 15 Avenue Apt 212 A
Seattle, WA, 98125

Date 2/15/2009

Honorable Laura Inveen
King County Superior Court Judge
516 3rd Ave. Seattle, WA 98104

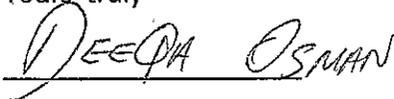
Dear Inveen,

Your honor, I would like to request your utmost leniency regarding case of Mr. Said Ali, who is currently standing for trial in your court. I knew Ali since his early childhood as a bright, polite, and helpful young boy. It was shocking to learn that he is alleged of these crimes.

Your honor, knowing him, his parents, and the neighborhood in which he grew I am very certain that he will transform; if an chance is given to him. He is an Underage boy and has a plenty of opportunities to change with the help of our Community centers and his parents. Therefore, our request is to reduce the number Of years that he might be sentenced to serve.

I am humbly looking forward to hearing from your merciful ruling.

Yours truly


A handwritten signature in black ink that reads "DEEQA OSMAN". The signature is written in a cursive style and is positioned above a horizontal line.

Phone: (206) 723-3133
Address: Deeqa Sh Nur
2910 S. Dakota St
Seattle, WA 98108

Date 2/15/2009

Honorable Laura Inveen
King County Superior Court Judge
516 3rd Ave. Seattle, WA 98104

Dear Inveen,

Your honor, I would like to request your utmost leniency regarding case of Mr. Said Ali, who is currently standing for trial in your court. I knew Ali since his early childhood as a bright, polite, and helpful young boy. It was shocking to learn that he is alleged of these crimes.

Your honor, knowing him, his parents, and the neighborhood in which he grew I am very certain that he will transform; if an chance is given to him. He is an Underage boy and has a plenty of opportunities to change with the help of our Community centers and his parents. Therefore, our request is to reduce the number Of years that he might be sentenced to serve.

I am humbly looking forward to hearing from your merciful ruling.

Yours truly


Abdulkadir Jama

Phone: (206) 723-3133
Address: Abdulkadir Jama
2910 S. Dakota St
Seattle, WA 98108

February 22, 2009

To Whom It May Concern:

Hi, my name is Abdirizak Ali Idan and I want to tell you how I know Said Ali and why I think he should be given a second chance. I know him back on "Duksi Days" means the Islamic school when we were adolescent teens we played Basketball, soccer together. I believe we have a second chance to take better care of ourselves. We have a second chance to be kinder, wiser, and better human beings. With that said, I believe Said will change if only he is given a second chance.

Thank you,

Abdirizak Ali Idan

Construction Management Jr. 2010

University of Washington

February 22, 2009

To Whom It May Concern:

I am a student at Highline Community College and I am writing on behalf of Said Ali. I met Said Ali about 4 years ago at a soccer tournament. Ever since then Said and I became very close and did the right things to help communities around us. I remember we volunteered around our neighborhood to do community services. I am currently aware of the situation that Said is in and I think that he has made a mistake and deserves a chance in life to do good things once again.

If I can be of any further help, please do not hesitate to email me

Dheq Ahmed

deq04@hotmail.com

February 19, 2009

Honorable Laura Inveen
King County Superior Court Judge
516 Third Avenue
Seattle, WA 98104

RE: Concerning what we know about
Said Omer Ali

This is to certify that the subject referenced, Said Omer Ali and his family has been known to our neighborhood for a period of about three years during this Said time period, we have come to know Said as a quiet, respectful, and peaceful boy. As far as we are aware of, we have not known Said O. Ali being involved in beating other people and robbing others their property. Said Ali has good behavior in our community and he gets with other people, and I have never seen him consciously engage in destructive or evil behavior.

Therefore, honor I am requesting here to consider the sentencing and appreciate and see kindly for this young teenager like your son, and careful for his future.



Phone: (206)898-7823
Shukri Sh. Nur
8334 Rainier Ave S Apt#163
Seattle, WA 98118

February 24,2009

Honorable Laura Inveen
King County Superior Court Judge
516 Third Avenue
Seattle, WA 98104

Dear Judge Laura,

RE: Said Omer Ali

I have known Said Omer Ali for at least 4 years, and I declare Said Omer Ali is honest, respectful, and peaceful individual. Throughout the time, I have known Said Ali, I have not heard or known him beating or robbing other people. Said is dutiful and respectful toward other people and I have never seen him hurting other people. Said is with good standing with the rest of the Somali background community.

Therefore, Honor I request here to reconsider give more chance some times the innocent person got into the wrong hand charged with serious crime for that sake still we are waiting you kindly to see any outcome humanly justice served and we will be happy to see kindly and honestly to make more justice our minority community specially the sentencing of Said Ali.

Sincerely,



Phone: (206) 937- 0124

Address: Kawsar Ali

2906 S. Dakota St

My name is Melissa Anderson and I have known Said Ali for about 2 years. Said was a close friend of my son and he would always come to house with him. I have never seen anything but good from Said in my exposure to him and I believe Said is a good person and he should have second chance to prove himself.

Thank you, your honor.
Melissa Anderson

To Whom It May Concern:

My name is Jibriil Yusuf and I consider myself to be a good friend of Said Ali. I've had the pleasure of playing soccer with him and he's a very talented player. Even though soccer is always very competitive, Said was always a good sport and kept the team in high spirits when things weren't going our way. I feel that everyone deserves a second chance in life and I hope you can find it in your heart to give Said a second chance.

Your honor, Am hoping this letter helps you to understand Mr. Said Ali better.

Thank you.

To Whom It May Concern:

I am Arone Andu. I knew Said from the King County Parks Recreational Center and I was part of the staff at that center. I think Said was a good kid because he always put people first. He has a good heart but people will always make mistakes. I hope he is forgiven for mistake.

As you deliberate Said's sentencing, I hope you will consider this letter.

From: Amina Mohamed

To: Whom it may Concern

My name is Amina Mohamed and I was an English tutor for Said Ali. Said used to help me with my Somali and I use to tutor him in his English. He was a very motivated individual that never gave up on studying and his English has progressed dramatically over the last couple years. He is an excellent student and even though he has made some past mistakes, he deserves a second chance to be there for his family and continue his education. Said Ali had a passion for learning and he also had a passion for teaching others. He has a great deal to offer to his community and his friends and family appreciate all that he does.

Your honor I hope you consider this letter...

To Whom It May Concern:

My name is Atnafu and I am a student at the University of Washington. I was a good friend of Said Ali and I used to play soccer with him in our community center. He was a good sport and even though I only knew him for a short time, Said had one of the most positive attitudes whether It was in the game or out outside of the game. I believe Said deserves a second chance.

Your honor, thank you for taking the time reading this letter, and I hope it shows you what kind of young man Mr. Ali is.

To whom it may Concern:

My name is Abdirahman Ugas and I am a student at South Seattle Community College. I used to be a tutor for Said Ali in high school. Said was a very smart young man with a lot of passion for learning and a great mind. He had a very moving personality and he was a great student. Said was distracted a bit at times by some of his friends but he is a good friend and an amazing human being to be around. I believe he has a lot to offer to the world and his family and friends need him dearly.

Thank you, your honor.

To whom it May concern:

My name is Fardus Hassan, I was a Senior student and graduate a Ingraham High School (IHS) at the year of 2007. I was a Teacher assistat (TA) Student during 5th period during that year for Ceramic class. I basically helped out the teacher or instructor with passing out paper works for student and also helped some student with their Ceramic work. Said Ali was a student in the class where I was (TA) student and he was very hard working student. He attended the class, worked hard on his Ceramic work to recieve good grades. He was very friendly student who helped out his classmates with their Ceramic work. Said Ali was very hardworking & honest student and he still is.

From: Fardus Hassan

(206) 861-4911

To: Dear Judge Laura Inveon

My name is Fadmo Hassan and I am a neighbor to Said family. We are close family to each other we are like friends, neighbors & family. Said mother a widowed mom who raised her six kids all by herself. Said is the only male person in his family. He helped his mother a lot & his sisters as well. Said is very important person in his family. Said is a very smart & mature hardworking boy. Said loves his family and they are number one to his heart. Said needs his family & his family need their boy.

Fadmo Hassan
(206) 501-0760

TO: Judge Inveen

My name is Ahmed Sharniffow and I am Said Ali's family neighbor. Said Ali was helpful and kind boy. As the only male in his family he was very helpful to his mother and his sisters. I always went to the mosque every Friday for the Friday prayers and I always met Said there. At his very young he was very mature, hardworking and sharp boy. Said Ali volunteered at the Somali Community Center where he served food for the Somali elders. As a Somalia Senior my self Said was very kind & respectful to his elders. Said Ali is a very hardworking & kind boy who served his community & his family.

Ahmed Sharniffow

(206) 383-7422

Dear, Judge Laura Inveen

My name is Nur Hassan and I was senior student at Ingraham High school at the year of 2007. During the weekends I was a volunteer student of the Somali community to receive my 60's hours services learning in order to graduate from (IHS). Said Ali was also a volunteer student who was very hardworking & very respectful to his elders. Many seniors enjoyed said's company. Said Ali was very hardworking boy who gave respect & received respect as well.

Nur Hassan

(206) 307-2455

TO: Judge Inveen

My name is Amal Hassan and I was a shopmore student at Ingraham High School during the year of 2007. I was a member of the club called "Muslim Student Association" which stands for (MSA). All the muslim students both male & female gather every thursday of each week and we held meetings. Saïd Ali was a member of the club during that time. He was very hardworking and a motivated student. He participated in the activities and the groups discussions. He was very bright and cheerful student. He was very friendly person toward his friends & classmates.

Amal Hassan

(206) 458-9111

Dear Judge Laura Inveen

My name is Imran Hassan and I was freshman student at the year of 2007. During that year at Ingraham High School (IHS) at my sixth period class I took ELD class for ninth graders. In that class Said Ali was a student as well. Said was very cheerful student, smart and hardworking. He participated during the class discussion and was very friendly person toward his classmates. Said Ali was very smart & hardworking student

IMRAN HASSAN

(206) 935-0920

February 20, 2009

To Whom It May Concern:

I am pleased to write this to you on behalf of Said Ali. I have known Said for 3 years while going to school with him and as a neighbor; he was a delight to have him around. I believe that mistakes are must and by correcting, they will improve a person and their life. I believe Said deserves a chance to correct his mistakes and in the future he will do better things in life. He is fun and cheerful person and helped our neighborhood to do community services. I truly believe Said will do things different if he gets the chance to do so.

Mohamed Hassan

If you have any further questing, please fell free to call me at 206-407-6057

Exhibit “B”

FILED
2009 MAR 30 AM 11:21
KING COUNTY
SUPERIOR COURT / CLERK
SEATTLE, WA

CERTIFIED COPY TO COUNTY CLERK MAR 30 2009

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)	
)	
	)	Plaintiff,
	)	No. 08-1-05113-3-SEA
)	
Vs.	)	JUDGMENT AND SENTENCE
	)	FELONY
SAID OMER ALI)	
)	
	)	Defendant,

I. HEARING

I.1 The defendant, the defendant's lawyer, MIKE NANCE, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: members of the Somali and other communities including four of whom spoke

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 02/02/2009 by jury verdict of:

Count No.: <u>I</u>	Crime: <u>ROBBERY IN THE FIRST DEGREE</u>
RCW <u>9A.56.200(1)(a)(iii) AND 9A.56.190</u>	Crime Code: <u>02908</u>
Date of Crime: <u>04/23/2008</u>	Incident No. _____

Count No.: <u>II</u>	Crime: <u>ROBBERY IN THE FIRST DEGREE</u>
RCW <u>9A.56.200(1)(a)(iii) AND 9A.56.190</u>	Crime Code: <u>02908</u>
Date of Crime: <u>04/23/2008</u>	Incident No. _____

Count No.: <u>III</u>	Crime: <u>ASSAULT IN THE FIRST DEGREE</u>
RCW <u>9A.36.011(1)(a)</u>	Crime Code: <u>01010</u>
Date of Crime: <u>04/23/2008</u>	Incident No. _____

Count No.: <u>IV</u>	Crime: <u>ATTEMPTED ROBBERY IN THE FIRST DEGREE</u>
RCW <u>9A.28.020, 9A.56.200(1)(a)(i) AND 9A.56.190</u>	Crime Code: <u>12908</u>
Date of Crime: <u>04/30/2008</u>	Incident No. _____

Additional current offenses are attached in **Appendix A**

SPECIAL VERDICT or FINDING(S):

- (a) While armed with a **firearm** in count(s) _____ RCW 9.94A.510(3).
- (b) While armed with a **deadly weapon** other than a firearm in count(s) I, II AND III RCW 9.94A.510(4).
- (c) With a **sexual motivation** in count(s) _____ RCW 9.94A.835.
- (d) A V.U.C.S.A offense committed in a **protected zone** in count(s) _____ RCW 69.50.435.
- (e) **Vehicular homicide** Violent traffic offense DUI Reckless Disregard.
- (f) **Vehicular homicide** by DUI with _____ prior conviction(s) for offense(s) defined in RCW 41.61.5055, RCW 9.94A.510(7).
- (g) **Non-parental kidnapping** or unlawful imprisonment with a minor victim. RCW 9A.44.130.
- (h) **Domestic violence** offense as defined in RCW 10.99.020 for count(s) _____.
- (i) Current offenses **encompassing the same criminal conduct** in this cause are count(s) _____ RCW 9.94A.589(1)(a).

2.2 **OTHER CURRENT CONVICTION(S):** Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): _____

2.3 **CRIMINAL HISTORY:** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.525):

- Criminal history is attached in **Appendix B**.
- One point added for offense(s) committed while under community placement for count(s) _____

2.4 SENTENCING DATA:

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count I	14	IX	129 TO 171	+ 72 MONTHS	201 TO 243 MONTHS	LIFE AND/OR \$50,000
Count II	14	IX	129 TO 171	+72 MONTHS	201 TO 243 MONTHS	LIFE AND/OR \$50,000
Count III	14	XII	240 TO 318	+72 MONTHS	312 TO 390 MONTHS	LIFE AND/OR \$50,000
Count IV	14	IX	129 TO 171	75% OF STANDARD	96.75 TO 128.25 MONTHS	10 YEARS AND/OR \$20,000

Additional current offense sentencing data is attached in **Appendix C**.

2.5 **EXCEPTIONAL SENTENCE (RCW 9.94A.535):**

Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) _____. Findings of Fact and Conclusions of Law are attached in **Appendix D**. The State did did not recommend a similar sentence.

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and **Appendix A**.

The Court **DISMISSES** Count(s) _____

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

4.1 RESTITUTION AND VICTIM ASSESSMENT:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
 - Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(2), sets forth those circumstances in attached Appendix E.
 - Restitution to be determined at future restitution hearing on (Date) _____ at _____ m.
 - Date to be set.
 - Defendant waives presence at future restitution hearing(s).
 - Restitution is not ordered.
- Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

4.2 OTHER FINANCIAL OBLIGATIONS:

Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a) \$ _____, Court costs; Court costs are waived; (RCW 9.94A.030, 10.01.160)
- (b) \$100 DNA collection fee; DNA fee waived (RCW 43.43.754)(crimes committed after 7/1/02);
- (c) \$ _____, Recoupment for attorney's fees to King County Public Defense Programs; Recoupment is waived (RCW 9.94A.030);
- (d) \$ _____, Fine; \$1,000, Fine for VUCSA; \$2,000, Fine for subsequent VUCSA; VUCSA fine waived (RCW 69.50.430);
- (e) \$ _____, King County Interlocal Drug Fund; Drug Fund payment is waived; (RCW 9.94A.030)
- (f) \$ _____, State Crime Laboratory Fee; Laboratory fee waived (RCW 43.43.690);
- (g) \$ _____, Incarceration costs; Incarceration costs waived (RCW 9.94A.760(2));
- (h) \$ _____, Other costs for: _____

\$600 plus restitution

4.3 PAYMENT SCHEDULE:

Defendant's **TOTAL FINANCIAL OBLIGATION** is: \$ _____. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: Not less than \$ _____ per month; On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. **The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations: for crimes committed before 7/1/2000, for up to ten years from the date of sentence or release from total confinement, whichever is later; for crimes committed on or after 7/1/2000, until the obligation is completely satisfied.** Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.

- Court Clerk's trust fees are waived.
- Interest is waived except with respect to restitution.

4.4 CONFINEMENT OVER ONE YEAR: Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows, commencing: immediately; [] (Date): _____ by _____ .m.

129 months/days on count I; 240 months/days on count II; 129 months/days on count V

129 months/days on count IV; 96.75 months/days on count VI; 96.75 months/days on count VII

The above terms for counts cts I-VIII are consecutive / concurrent. 129 months on count VII
129 months on count VIII

The above terms shall run [] CONSECUTIVE [] CONCURRENT to cause No.(s) _____

The above terms shall run [] CONSECUTIVE [] CONCURRENT to any previously imposed sentence not referred to in this order.

In addition to the above term(s) the court imposes the following mandatory terms of confinement for any special WEAPON finding(s) in section 2.1: 24 months each on counts I, II, & III

which term(s) shall run consecutive with each other and with all base term(s) above and terms in any other cause. (Use this section only for crimes committed after 6-10-98)

[] The enhancement term(s) for any special WEAPON findings in section 2.1 is/are included within the term(s) imposed above. (Use this section when appropriate, but for crimes before 6-11-98 only, per In Re Charles)

The TOTAL of all terms imposed in this cause is 312 months.

Credit is given for [] _____ days served days as determined by the King County Jail, solely for confinement under this cause number pursuant to RCW 9.94A505(6).

4.5 NO CONTACT: For the maximum term of life years, defendant shall have no contact with Stephanie Walker, Carl Halliburton, Colin Walker, Joshua Longlake, Kathryn Terpstra and for 10 years with Jonathan Douglas & Machezie Rollins

4.6 DNA TESTING: The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing, as ordered in APPENDIX G.

[] HIV TESTING: For sex offense, prostitution offense, drug offense associated with the use of hypodermic needles, the defendant shall submit to HIV testing as ordered in APPENDIX G.

4.7 (a) [] COMMUNITY PLACEMENT pursuant to RCW 9.94A.700, for qualifying crimes committed before 7-1-2000, is ordered for _____ months or for the period of earned early release awarded pursuant to RCW 9.94A.728, whichever is longer. [24 months for any serious violent offense, vehicular homicide, vehicular assault, or sex offense prior to 6-6-96; 12 months for any assault 2°, assault of a child 2°, felony violation of RCW 69.50/52, any crime against person defined in RCW 9.94A.411 not otherwise described above.] APPENDIX H for Community Placement conditions is attached and incorporated herein.

(b) [] COMMUNITY CUSTODY pursuant to RCW 9.94.710 for any SEX OFFENSE committed after 6-5-96 but before 7-1-2000, is ordered for a period of 36 months or for the period of earned early release awarded under RCW 9.94A.728, whichever is longer. APPENDIX H for Community Custody Conditions and APPENDIX J for sex offender registration is attached and incorporated herein.

- (c) **COMMUNITY CUSTODY** - pursuant to RCW 9.94A.715 for qualifying crimes committed after 6-30-2000 is ordered for the following established range:
 - Sex Offense, RCW 9.94A.030(38) - 36 to 48 months—when not sentenced under RCW 9.94A.712
 - Serious Violent Offense, RCW 9.94A.030(37) - 24 to 48 months
 - Violent Offense, RCW 9.94A.030(45) - 18 to 36 months
 - Crime Against Person, RCW 9.94A.411 - 9 to 18 months
 - Felony Violation of RCW 69.50/52 - 9 to 12 months
 or for the entire period of earned early release awarded under RCW 9.94A.728, whichever is longer.
 Sanctions and punishments for non-compliance will be imposed by the Department of Corrections pursuant to RCW 9.94A.737.
 APPENDIX H for Community Custody conditions is attached and incorporated herein.
 APPENDIX J for sex offender registration is attached and incorporated herein.

4.8 **WORK ETHIC CAMP:** The court finds that the defendant is eligible for work ethic camp, is likely to qualify under RCW 9.94A.690 and recommends that the defendant serve the sentence at a work ethic camp. Upon successful completion of this program, the defendant shall be released to community custody for any remaining time of total confinement. The defendant shall comply with all mandatory statutory requirements of community custody set forth in RCW 9.94A.700. **Appendix H** for Community Custody Conditions is attached and incorporated herein.

4.9 **ARMED CRIME COMPLIANCE, RCW 9.94A.475, 480.** The State's plea/sentencing agreement is attached as follows:

The defendant shall report to an assigned Community Corrections Officer upon release from confinement for monitoring of the remaining terms of this sentence.

Date: 3/27/09

Laura C. Invee
 JUDGE
 Print Name: Laura C. Invee

Presented by:
Carl Bohm
 Deputy Prosecuting Attorney, WSBA#
 Print Name: Bohm 16223

Approved as to form:
Michael Nance
 Attorney for Defendant, WSBA # 43883
 Print Name: Michael Nance

FINGERPRINTS

BEST AVAILABLE IMAGE POSSIBLE



RIGHT HAND
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE:
DEFENDANT'S ADDRESS:

SAID OMER ALI

DATED: 3/27/09

[Signature]
JUDGE, KING COUNTY SUPERIOR COURT

ATTESTED BY: BARBARA MINER,
SUPERIOR COURT CLERK
BY: *[Signature]*
DEPUTY CLERK

CERTIFICATE

OFFENDER IDENTIFICATION

I, _____,
CLERK OF THIS COURT, CERTIFY THAT
THE ABOVE IS A TRUE COPY OF THE
JUDGEMENT AND SENTENCE IN THIS
ACTION ON RECORD IN MY OFFICE.
DATED: _____

S.I.D. NO.
DOB: JANUARY 1, 1989
SEX: M
RACE: B

CLERK

BY: _____
DEPUTY CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

SAID OMER ALI

Defendant,

No. 08-1-05113-3-SEA

JUDGMENT AND SENTENCE
(FELONY) - APPENDIX A

ADDITIONAL CURRENT OFFENSES

2.1 The defendant is also convicted of these additional current offenses:

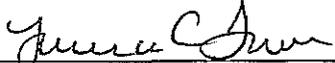
Count No.: V Crime: ROBBERY IN THE FIRST DEGREE
RCW 9A.56.200(1)(a)(i) AND 9A.56.190 Crime Code 02908
Date Of Crime 04/30/2008 Incident No. _____

Count No.: VI Crime: ATTEMPTED ROBBERY IN THE FIRST DEGREE
RCW 9A.28.020, 9A.56.200(1)(a)(i) AND 9A.56.190 Crime Code 12908
Date Of Crime 04/30/2008 Incident No. _____

Count No.: VII Crime: ROBBERY IN THE FIRST DEGREE
RCW 9A.56.200(1)(a)(iii) AND 9A.56.190 Crime Code 02908
Date Of Crime 05/01/2008 Incident No. _____

Count No.: VIII Crime: ROBBERY IN THE FIRST DEGREE
RCW 9A.56.200(1)(a)(iii) AND 9A.56.190 Crime Code 02908
Date Of Crime 05/27/2008 Incident No. _____

Date: 3/27/09



JUDGE, KING COUNTY SUPERIOR COURT

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

SAID OMER ALI

Defendant,

No. 08-1-05113-3-SEA

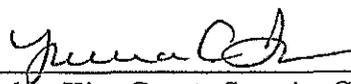
JUDGMENT AND SENTENCE
(FELONY) - APPENDIX C,
ADDITIONAL CURRENT OFFENSE(S)
SENTENCING DATA

2.3 SENTENCING DATA: Additional current offense(s) sentencing information is as follows:

Count	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
V	14	IX	129 TO 171		129 TO 171 MONTHS	LIFE AND/OR \$50,000
VI	14	IX	129 TO 171	75% OF STANDARD	96.75 TO 128.25 MONTHS	10 YEARS AND/OR \$10,000
VII	14	IX	129 TO 171		129 TO 171 MONTHS	LIFE AND/OR \$50,000
VIII	14	IX	129 TO 171		129 TO 171 MONTHS	LIFE AND/OR \$50,000

[] The following real and material facts were considered by the court pursuant to RCW 9.94A.530(2):

Date: 3/27/09



Judge, King County Superior Court

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)	
)	
Plaintiff,	)	No. 08-1-05113-3-SEA
)	
vs.	)	APPENDIX G
	)	ORDER FOR BIOLOGICAL TESTING
SAID OMER ALI	)	AND COUNSELING
)	
Defendant,)	
)	
<hr style="border: 0.5px solid black;"/>		

(1) DNA IDENTIFICATION (RCW 43.43.754):

The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.

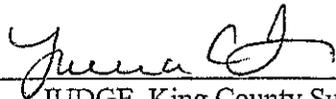
(2) HIV TESTING AND COUNSELING (RCW 70.24.340):

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 205-7837 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date: 3/27/09



JUDGE, King County Superior Court

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)
)
Plaintiff,) No. 08-1-05113-3-SEA
)
vs.) JUDGMENT AND SENTENCE
) APPENDIX H
SAID OMER ALI) COMMUNITY PLACEMENT OR
) COMMUNITY CUSTODY
Defendant,)

The Defendant shall comply with the following conditions of community placement or community custody pursuant to RCW 9.94A.700(4), (5):

- 1) Report to and be available for contact with the assigned community corrections officer as directed;
2) Work at Department of Corrections-approved education, employment, and/or community service;
3) Not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
4) Pay supervision fees as determined by the Department of Corrections;
5) Receive prior approval for living arrangements and residence location;
6) Not own, use, or possess a firearm or ammunition. (RCW 9.94A.720(2));
7) Notify community corrections officer of any change in address or employment; and
8) Remain within geographic boundary, as set forth in writing by the Department of Corrections Officer or as set forth with SODA order.

OTHER SPECIAL CONDITIONS:

- [] The defendant shall not consume any alcohol.
[X] Defendant shall have no contact with: See Judgment & Sentence
[] 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 comply with the following crime-related prohibitions:
[]

Other conditions may be imposed by the court or Department during community custody.

Community Placement or Community Custody shall begin upon completion of the term(s) of confinement imposed herein or when the defendant is transferred to Community Custody in lieu of earned early release. The defendant shall remain under the supervision of the Department of Corrections and follow explicitly the instructions and conditions established by that agency. The Department may require the defendant to perform affirmative acts deemed appropriate to monitor compliance with the conditions [RCW 9.94A.720] and may issue warrants and/or detain defendants who violate a condition [RCW 9.94A.740].

Date: 3/27/07

Judge signature and JUDGE title

Exhibit “C”



JAMHUURIYADDA DIMUQRAADIGA SOOMAALIYEED
SOMALI DEMOCRATIC REPUBLIC

Tiro D.No.
Reg No. 0914/92

Dawladda Hoose Degmada ... MUQDISHO ...
Municipality of
Xafiiska Diiwaan galinta Guud
(General Registry Office)

Warqada Dhalashada
(Birth Certificate)

Iyada oo la arkey codsashadii arjiilaha
(On request of Application)

Iyada oo la arkey warqadda qoyska Diwaan Ir:
(Having seen the relevant dates of family reg No) 38655

Jaalle SICIID CIMAR CALI **Caddayn** (attest)
Name

Magaca Hooyadda SAFIYA QAADI NUUR **Dhalasho** SOOMAALI ..
Mother's name Nationality

Jinsiga LAB **Shaqadiisa** MALAHA **Ku dhashay** MUQDISHO
Sex Profession In born at

Maalinta 01 **Bishii** 01 **Sannad kii** 1992 ..
On the day On the month Year

Xaashida dhalashada waxaa lagu bixiyey CODSIGA MUWAADINKA
(This certificate is released on request of application)

Iyada oo la xeerinayo Qoritaanka dhalashadda
(For the purpose of birth registration)

Magaalo MUQDISHO 15/12/1992 ..
(City)

Diwaan Galiyaha
The registration officer
MUUDAY MAXAMED MALJELE



Guddoomiyaha Degmada
The chief of municipality
CALI XAALI MUUSE



Xoghaya Daw/Hoose Degmada
Executive Officer
MAXAMAD



MUNICIPALITY OF MOGADISHO
ANAGRAPHY DEPARTMENT
BIRTH CERTIFICATE

THE MAYOR

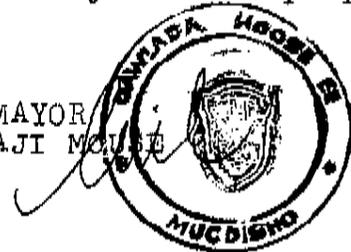
Having seen the family sheet NO;38655 under request of the person concerned Certifies that Said Omer Ali his mother's name Safia Qaadi Nur born in Mogadisho on 01.01.1992 marital status single has no Occupation.

This Birth of Certificate is issued to be used only for the purposes approved by the Law: Mogadisho 15/12/1992.

THE HEAD OF SECTION
MUDEY MOHAMED MATELE



THE MAYOR
ALI HAJI MOUSE



Somali Democratic Republic
Ministry of Foreign Affairs
جمهورية الصومال الديمقراطية
وزارة الشؤون الخارجية
Certifies the Signature
and Seal of Mudey M. Matele
the Head of Section
Anagraphy Department
DATE 15/12/1992 No: 696/92



Director General Consular Affairs
مدير عام دائرة الشؤون القنصلية

LAW OFFICE OF COREY EVAN PARKER

October 20, 2017 - 2:40 PM

Filing Personal Restraint Petition

Transmittal Information

Filed with Court: Court of Appeals Division I
Appellate Court Case Number: Case Initiation
Trial Court Case Title: State of Washington Vs Ali, Said Omer
Trial Court Case Number: 08-1-05113-3
Trial Court County: King County Superior Court
Signing Judge: Laura C. Inveen
Judgment Date: 2009-03-27

The following documents have been uploaded:

- PRP_Personal_Restraint_Petition_20171020143753D1156094_1955.pdf
This File Contains:
Personal Restraint Petition
The Original File Name was Said Ali - PRP FINAL.pdf

A copy of the uploaded files will be sent to:

- PAOAppellateUnitMail@kingcounty.gov

Comments:

Sender Name: Corey Parker - Email: corey@coreyevanparkerlaw.com
Address:
1230 ROSECRANS AVE STE 300
MANHATTAN BEACH, CA, 90266-2494
Phone: 425-221-2195

Note: The Filing Id is 20171020143753D1156094