

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
4/16/2020 3:53 PM  
BY SUSAN L. CARLSON  
CLERK

IN THE SUPREME COURT FOR THE STATE OF WASHINGTON

SHYANNE COLVIN, SHANELL  
DUNCAN, TERRY KILL,  
LEONDIS BERRY, and  
THEODORE ROOSEVELT  
RHONE,

Petitioners,

vs.

JAY INSLEE, Governor of the  
State of Washington, and  
STEPHEN SINCLAIR, Secretary  
of the Washington State  
Department of Corrections,  
Respondents.

NO. 98317-8

WASHINGTON  
CONSTITUTION  
ARTICLE I, SECTION  
35 VICTIM  
STATEMENTS  
REGARDING RELEASE

COMES NOW Pamela B. Loginsky, Staff Attorney for the Washington Association of Prosecuting Attorneys (WAPA), for the limited purpose of submitting victim and victim impact statements and statements of reasonable efforts to provide notification to victims to this Court.

These documents are submitted pursuant to article I, section 35 of the Washington Constitution. This section which was adopted in 1989 provides

that:

SECTION 35 VICTIMS OF CRIMES — RIGHTS. Effective law enforcement depends on cooperation from victims of crime. To ensure victims a meaningful role in the criminal justice system and to accord them due dignity and respect, victims of crime are hereby granted the following basic and fundamental rights.

Upon notifying the prosecuting attorney, a victim of a crime charged as a felony shall have the right to be informed of and, subject to the discretion of the individual presiding over the trial or court proceedings, attend trial and all other court proceedings the defendant has the right to attend, *and to make a statement at sentencing and at any proceeding where the defendant's release is considered*, subject to the same rules of procedure which govern the defendant's rights. In the event the victim is deceased, incompetent, a minor, or otherwise unavailable, the prosecuting attorney may identify a representative to appear to exercise the victim's rights. This provision shall not constitute a basis for error in favor of a defendant in a criminal proceeding nor a basis for providing a victim or the victim's representative with court appointed counsel. [AMENDMENT 84, 1989 Senate Joint Resolution No. 8200, p 2999. Approved November 7, 1989.] [Emphasis added.]

Nothing in article I, section 35 limits the right to make a statement to trial court proceedings in which the defendant's release is being considered. Consistent with the proposition that victims have the right to make a statement whenever a defendant's release is being considered, the legislature enacted RCW 7.69.032 to secure this right in a number of settings:

(1) The legislature recognizes the significant concerns that many victims, survivors of victims, and witnesses of crimes have when offenders are considered for postsentence release from confinement. Therefore, it is the intent of the legislature to ensure that victims, survivors of victims, and witnesses of crimes are afforded the opportunity to make a statement that will be considered prior to the granting of postsentence release from confinement for any offender under

the jurisdiction of the indeterminate sentence review board or its successor, or by the governor regarding an application for pardon or commutation of sentence.

(2) Victims, survivors of victims, and witnesses of crimes have the following rights:

(a) With respect to victims, survivors of victims, and witnesses of crimes, to present a statement to the indeterminate sentence review board or its successor, in person or by representation, via audio or videotape or other electronic means, or in writing, prior to the granting of parole or community custody release for any offender under the board's jurisdiction.

(b) With respect to victims and survivors of victims, to present a statement to the clemency and pardons board in person, via audio or videotape or other electronic means, or in writing, at any hearing conducted regarding an application for pardon or commutation of sentence.

RCW 7.69.032.

Although most proceedings for post sentence release of offenders, like the instant matter, involve the Department of Corrections (“DOC”) rather than prosecuting attorneys, the legislature has placed the responsibility for victim notification and assistance in submitting statements upon prosecuting attorneys. *See, e.g.*, RCW 9.94A.885(3) (“The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation, of the date and place of the [clemency and pardons board] hearing.”); RCW 9.95.260(3) (“The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation of the date and place of the

[Indeterminate Sentence Review Board] hearing.”); RCW 9.95.422(1) (“The board may request the prosecuting attorney to assist in contacting the crime victim or surviving family member.”). A prosecuting attorney who does not make reasonable efforts to notify victims of their rights to make a statement risks professional discipline. *See, eg.,* Atty. Griev. Comm’n of Md. v. Smith, 109 A.3d 1184 (Md. App. 2015) (law license of DPA assigned to Child Advocacy Center indefinitely suspended for her failure to notify victim of the prosecution, to enable them to participate in sentencing hearing, and to inform the victim of the no contact order).

On April 13, 2020, Shyanne Colvin, Shanell Duncan, Terry Kill, Leondis Berry, and Theodore Roosevelt Rhone filed a motion for release pending final determination. This Court has indicated that the motion will be considered on April 23, 2020, and directed that an answer to the motion should be served and filed by April 16, 2020.

To avoid piecemeal submissions of declarations regarding the efforts undertaken by the prosecutors of the counties of conviction for the five petitioners and of any article I, section 35 statements of victims regarding the release of the five named petitions, WAPA agreed to collect the documents and submit them to the Court as a single packet. In addition, since it is unclear whether the motion for release pending final determination is limited solely to the named petitioner or if it extends to all inmates who the petitioners claim will benefit from this action, victim statements are also included for Isaac Zamora who is specifically identified in paragraph 8 of the

Declaration of David D. Luxton, PhD, M.S.

Respectfully submitted this 16th day of April, 2020.

/s/

\_\_\_\_\_  
PAMELA B. LOGINSKY, WSBA No. 18096  
Washington Association of Prosecuting Attorneys  
206 10th Ave. SE  
Olympia, WA 98501  
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E-mail: pamloginsky@waprosecutors.org

PROOF OF SERVICE

I, Pamela B. Loginsky, declare that I have personal knowledge of the matters set forth below and that I am competent to testify to the matters stated herein.

On the 16th day of April, 2020, an electronic copy the document to which this proof of service is attached was served upon the following individuals via the CM/ECF System and/or e-mail:

Andrea H. Brewer at [andrea@smithalling.com](mailto:andrea@smithalling.com)  
Antoinette M Davis at [tdavis@aclu-wa.org](mailto:tdavis@aclu-wa.org); [pleadings@aclu-wa.org](mailto:pleadings@aclu-wa.org)  
Caedmon Magboo Cahill at [caedmon.cahill@seattle.gov](mailto:caedmon.cahill@seattle.gov)  
Cara Wallace at [cwallace@perkinscoie.com](mailto:cwallace@perkinscoie.com)  
D'Adre Beth Cunningham at [DAdreBCunningham@gmail.com](mailto:DAdreBCunningham@gmail.com)  
Darren W. Johnson at [djohnson@paulweiss.com](mailto:djohnson@paulweiss.com)  
David C. Kimball-Stanley at [dkimballstanley@paulweiss.com](mailto:dkimballstanley@paulweiss.com)  
Haley Sebens at [Hsebens@co.skagit.wa.us](mailto:Hsebens@co.skagit.wa.us)  
Heather Lynn Mckimmie at [heatherm@dr-wa.org](mailto:heatherm@dr-wa.org)  
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Teymur Askerov at [tim@blacklawseattle.com](mailto:tim@blacklawseattle.com)  
Timothy Norman Lang at [tim.lang@atg.wa.gov](mailto:tim.lang@atg.wa.gov)

and all other attorneys of record not specifically identified above.

Signed under the penalty of perjury under the laws of the state of

Washington this 16th day of April, 2020, at Port Orchard, Washington.

/s/

PAMELA B. LOGINSKY, WSBA No. 18096  
Washington Association of Prosecuting Attorneys  
206 10th Ave. SE  
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Tel: 360-753-2175  
Fax: 360-753-3943  
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SUPREME COURT  
OF THE STATE OF WASHINGTON

SHYANNE COLVIN, SHANELL  
DUNCAN, TERRY KILL, LEONDIS  
BERRY, and THEODORE ROOSEVELT  
RHONE,

Petitioners,

v.

JAY INSLEE, Governor of the State of  
Washington, and STEPHEN  
SINCLAIR, Secretary of the Washington  
State Department of Corrections,

Respondents.

NO. CASE NO. 98317-8

DECLARATION OF MARY E.  
ROBNETT AS TO PEITIONERS  
THEODORE RHONE AND SHANELL  
DUNCAN

RE: ARTICLE 1, SECTION 35 OF THE  
CONSTITUTION OF THE STATE OF  
WASHINGTON AND RCWS 7.69.020(14)  
AND 7.69.030

I, MARY E. ROBNETT, Prosecuting Attorney for Pierce County, make this  
declaration in this matter pursuant to the rights granted to victims under Article 1, Section  
35 of the Constitution of the State of Washington and RCWs 7.69.020(14) and 7.69.030.

1. In the above-captioned matter, Petitioner **Theodore Rhone** is the Defendant  
in Pierce County Superior Court Cause No. 03-1-02581-1. In that matter, a  
lifetime no-contact order was entered protecting Isaac Miller.

2. Our records indicate the Mr. Miller passed away in 2010.
3. Petitioner **Shanell Duncan** is the Defendant in Pierce County Superior Court Cause No. 14-1-02745-3. In that action, Duncan pled guilty to felony assaults against Charles Watson, Jr. and Santiago Sison. Orders Prohibiting Contact as to both victims remain in place through October 9, 2020.
4. Our records indicate that Mr. Watson is deceased.
5. We attempted to reach Mr. Sison at the numbers in our LINX data system, but determined they were no longer good numbers. Our Investigative Services Unit was able to identify eight additional possible phone numbers for Mr. Sison. Attempts have been made to reach him at each of those numbers without success. Our Investigative Services Unit looked at other sources for additional information, also with no success.
6. I have attached the Order Prohibiting Contact.

Dated: April 15, 2020.

Signed at Tacoma, WA.

s/ Mary E. Robnett  
WSB# 21129  
Prosecuting Attorney  
Pierce County Prosecutor's Office  
930 Tacoma Ave., Rm 946  
Tacoma, WA 98402  
Telephone: (253) 798-7400  
Fax: (253) 798-6636  
[mary.robnett@piercecountywa.gov](mailto:mary.robnett@piercecountywa.gov)



FILED  
DEPT. 1  
IN OPEN COURT  
OCT 09 2015  
By [Signature]  
DEPUT

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,  
  
Plaintiff,  
  
vs.  
  
SHANELL KENNETH DUNCAN,  
  
Defendant.

CAUSE NO. 14-1-02745-3  
  
ORDER PROHIBITING CONTACT  
  
AS A CONDITION OF SENTENCE  
  
(Clerk's Action Required)

Physical description: SEX MALE; RACE BLACK ; EYES BROWN; WEIGHT 165; HEIGHT 5'9"; DATE OF BIRTH 02/28/80

THIS MATTER having come before the undersigned Judge of the above-entitled court, and the court having considered the records and files herein and being fully advised in the premises, now, therefore,

IT IS HEREBY ORDERED, pursuant to RCW 9A.46, that the defendant shall have no contact, directly or indirectly, in person, in writing, by telephone, or electronically, either personally or through any other person, with SANTIAGO SISON DOB: 09/23/74

- Expires: Non-Expiring (Class A)
  - Expires: Ten (10) years (Class B)
  - Expires: Five (5) years (Class C)
  - Expires: Two (2) years (Gross Misdemeanor), or until modified or terminated by the court.
- No contact shall occur at the home, workplace, school or any other place where the person(s) named above may be found. It is further ordered that the Clerk of the Court shall forward a copy of this order on or before the next judicial day to the Law Enforcement Support Agency (LESA) who shall enter it in the computer-based intelligence system available in this state used by law enforcement to list outstanding warrants. [ ] See attached Appendix on Surrender of Weapons/Firearms.

\*\*\*\*\*WARNINGS TO THE DEFENDANT\*\*\*\*\*  
VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE UNDER CHAPTER 9A.46 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

DATED this 9<sup>th</sup> day of October, 2015.

[Signature]  
Judge **JAMES ORLANDO**

Copy Received:  
[Signature]  
Defendant  
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IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

SHYANNE COLVIN, et al.,

Petitioners,

v.

JAY INSLEE, et al.,

Respondents.

No. 98317-8

DECLARATION OF KAMEON QUILLEN,  
VICTIM ADVOCATE  
SNOHOMISH COUNTY PROSECUTOR'S  
OFFICE

KAMEON QUILLEN states the following under penalty of perjury under the laws of the State of Washington:

I, Kameon Quillen, make this declaration in this matter pursuant to the rights granted to victims under Article 1, Section 35 of the Constitution of the State of Washington and RCW 7.69.020(14) and 7.69.030. In the above-captioned matter, Petitioner TERRY KILL was convicted of three felony crimes in our county. When notified of the petition on April 14, 2020, I took the following steps to identify, locate and contact the victims in the three cases:

**CAUSE #17-1-01876-31; VICTIM DALE DAWSON**

Called the phone number in the file, number disconnected

Utilized TLO (Trans Union, a database used by law enforcement to find current contact information for people).

Found two possible numbers and an email address in TLO

Called one number, disconnected; left voicemail on other number

Sent email to address found in TLO with a delivery receipt attached; received confirmation that email was successfully delivered

Victim is homeless, no current address in the case file, TLO or JIS.

**CAUSE # 17-1-01665-31; VICTIM PETER BERGER**

Called phone number in case file, number disconnected

Found one possible number and an email address in TLO,

Called and left voicemail on phone # from TLO

Sent email to address found in TLO with a delivery receipt attached; received confirmation that email was successfully delivered

Confirmed current mailing address in case file and TLO and sent a letter to victim

**CAUSE # 17-1-02167-31; VICTIM GARRETT GREER**

Called phone number in case file, left a voicemail

Looked in TLO for other phone numbers and email addresses

Phone number was confirmed in TLO, found two email addresses

Sent email to both addresses TLO with delivery receipts attached; received confirmation that emails were successfully delivered

Confirmed current mailing address in case file and TLO and sent a letter to victim

**CAUSE # 17-1-02167-31; VICTIM ADELE BERG**

Called phone number in case file, number disconnected

Looked in TLO for other phone numbers and email addresses

Found one possible phone number in TLO, and one email address  
Left a voicemail on number found in TLO.

Sent an email to address in TLO—it bounced back as email account is not active

Confirmed current mailing address in case file and TLO and sent a letter to victim.

As a result of my contact attempts, victim Greer replied and is submitting a statement. I expect more victim response and additional statements to be submitted.



Signed at Snohomish County, Washington, on April 15, 2020.



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3. Ms. Gee is currently released on bail on her Thurston County matters. The bail bond company was contacted. Understandably, they would not provide contact information for Ms. Gee, but agreed to reach out to Ms. Gee, inform her of the reason for my call and request that she contact my office with any questions.

On April 14, 2020 at approximately 11:25 a.m. a female identifying herself as Amber Gee contact the Lewis County Prosecutor's Office. I told her I did not want to speak to her about, or know anything about, her current supervision or current cases. I explained the reason for my call and asked her if she wanted to submit a statement to the court or wanted me to pass a statement along to the court. She declined. I told her she could change her mind and, if she did, this office could help her submit the statement.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 16th day of April, 2020 at Chehalis, Washington.

  
\_\_\_\_\_  
JONATHAN L. MEYER  
Prosecuting Attorney

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DECLARATION OF SERVICE

The undersigned declares that a copy of this DECLARATION was served upon Petitioners' counsel by emailing and mailing said document to Petitioners' attorneys:  
Nicholas Allen ([nick.allen@columbialegal.org](mailto:nick.allen@columbialegal.org));  
Nicholas Straley ([nick.straley@columbialegal.org](mailto:nick.straley@columbialegal.org)); and  
Janet S. Chung ([janet.chung@columbialegal.org](mailto:janet.chung@columbialegal.org))  
at Columbia Legal Services, 101 Yesler Way, Suite 300, Seattle, WA 98104.

The undersigned also declares that a copy of this DECLARATION was served upon Respondents' counsel by emailing and mailing said document to Respondents' attorneys:  
Robert Ferguson (no email sent);  
Tim Lang ([Timothy.Lang@atg.wa.gov](mailto:Timothy.Lang@atg.wa.gov)); and  
John S. Samson ([John.Samson@atg.wa.gov](mailto:John.Samson@atg.wa.gov))  
at Attorney General's Office, Corrections Division, OID #91025, P.O. Box 40116, Olympia, WA 98504-0116.

Dated this 16<sup>th</sup> day of April, 2020, at Chehalis, Washington.

  
\_\_\_\_\_  
BRITTANI BONAHOOM,  
OFFICE ADMINISTRATOR



6. Other court cases or other restraining, protection or no-contact orders involving me, the minors and the respondent:

<b>Case Name</b>			
<b>Case Number</b>			
<b>Court/County</b>			

Check the box for each type of relief you are requesting, for each type of order you need.  
**Temp:** I Request a **Temporary Order for Protection, effective until the hearing**, because an **Emergency Exists** as described in the statement below. A temporary protection order should be issued immediately without notice to the respondent, to avoid irreparable injury.  
**Full:** I Request a **"full" Order for Protection**, following a hearing.

Temp ↓	Full ↓	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p><sup>1</sup> <b>Restrain</b> respondent from causing any physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking  <input checked="" type="checkbox"/> me <input type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only:</p> <p>(If the court orders this relief, and the respondent is your spouse or former spouse, the parent of a common child, or a current or former cohabitant as intimate partner, the respondent will be prohibited from possessing a firearm or ammunition under federal law for the duration of this order. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)</p>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p><sup>2</sup> <b>Restrain</b> respondent from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing of court documents, with <input checked="" type="checkbox"/> me <input type="checkbox"/> the minors named in paragraph 5 above, subject to any court-ordered visitation <input type="checkbox"/> these minors only, subject to any court-ordered visitation:</p>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p><sup>3</sup> <b>Exclude</b> respondent from:</p> <p><input checked="" type="checkbox"/> our shared residence= <u>1208 Alder St. #310 Centralia WA</u></p> <p><input type="checkbox"/> my residence= _____</p> <p><input checked="" type="checkbox"/> my workplace= <u>1253 Harrison Ave. Centralia</u> <input type="checkbox"/> my school; _____</p> <p><input type="checkbox"/> day care or school of= _____ <input type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only:</p> <p><input type="checkbox"/> other:</p> <p>You have a right to keep your residential address confidential.</p>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p><sup>4</sup> <b>Direct</b> respondent to vacate our shared residence and restore it to me.</p>

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<sup>5</sup> <b>Prohibit</b> respondent from knowingly coming within, or knowingly remaining within <u>1000</u> FEET (distance) of <input checked="" type="checkbox"/> our shared residence <input type="checkbox"/> my residence <input checked="" type="checkbox"/> my workplace <input type="checkbox"/> my school <input type="checkbox"/> the day care or school of <input type="checkbox"/> the minors named in paragraph 5 above. <input type="checkbox"/> these minors only:  <input type="checkbox"/> other:
Temp	Full	Temporary Order, effective until a hearing. Full Order, effective following a hearing.
↓	↓	
<input type="checkbox"/>	<input type="checkbox"/>	<sup>6</sup> <b>Grant</b> me possession of essential personal belongings, including the following:
<input type="checkbox"/>	<input type="checkbox"/>	<sup>7</sup> <b>Grant</b> me use of the following vehicle: Year, Make & Model _____ License No. _____
<input type="checkbox"/>	<input type="checkbox"/>	<sup>8</sup> <b>Other:</b>
N/A	<input checked="" type="checkbox"/>	<sup>9</sup> <b>Direct</b> the respondent to participate in appropriate treatment or counseling services.
N/A	<input checked="" type="checkbox"/>	<sup>10</sup> <b>Require</b> the respondent to pay the fees and costs of this action.
N/A	<input checked="" type="checkbox"/>	<sup>11</sup> <b>Remain Effective</b> longer than one year because respondent is likely to resume acts of domestic violence against me if the order expires in a year.
		Check the following only if you are requesting protection involving a minor:
<input type="checkbox"/>	<input type="checkbox"/>	<sup>12</sup> Subject to any court-ordered visitation, <b>Grant</b> me the care, custody and control of <input type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only:
<input type="checkbox"/>	<input type="checkbox"/>	<sup>13</sup> <b>Restrain</b> respondent from interfering with my physical or legal custody of <input type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only:
<input type="checkbox"/>	<input type="checkbox"/>	<sup>14</sup> <b>Restrain</b> the respondent from removing from the state: <input type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only:

**Request for Special Assistance From Law Enforcement Agencies:**

I request the court order the appropriate law enforcement agency to assist me in obtaining:

- Possession of my residence.  Possession of the vehicle designated above.
- Possession of my essential personal belongings at  the shared residence  respondent's residence  other.
- Custody of  the minors named in paragraph 5 above  these minors only (if applicable):

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

"Domestic violence" means physical harm, bodily injury, assault, including sexual assault, stalking, Or inflicting fear of imminent physical harm, bodily injury or assault between family or household members.

**Statement:** The respondent has committed acts of domestic violence as follows. (Describe specific acts of domestic violence and their approximate dates, beginning with the most recent act. You may want to include police responses.)

Describe the most recent incident or threat of violence and date: On Sep. 16, 2008  
around 9:00 p.m. Shanell Duncan and I  
had a dispute over the fact of his friends  
staying at the house. I had asked them to leave  
and Shanell got in my face and stated that  
they didn't have to and proceeded to hit me  
across the face and grabbed me by my arms  
to push me on the ground. That's when I began  
to push back and defend myself to get him  
off of me. He continued to threaten me, in  
saying that, "He or his ~~and~~ friends will kill me  
and I better say my prayers". As I was getting  
ready to leave he again grabbed me and pushed  
to the ground trying to punch me as a witness  
tried pulling him off. soon after police arrived.

Describe the past incidents where you experienced violence, where you were afraid of injury or where the respondent threatened to harm or kill you: The first incident was sometime  
in January, he was angry over dirty laundry  
and the fact it wasn't done. He had grabbed  
me and shoved me in the wall and had me by the  
throat and said he would kill me. Then he put  
me on the ground. The 2<sup>nd</sup> was about a  
month ago when he was angry at me he  
kept pushing me and I finally stood up and  
defended myself to get out and leave. The most  
most recent incident is stated above.

Describe any violence or threats towards children: none

Describe medical treatment you received and for what: None

Describe any threats of suicide or suicidal behavior by the respondent: none

Does the respondent own or possess firearms?  Yes  No

Does the respondent use firearms, weapons or objects to threaten or harm you? Please describe:

He has used coffee pots, coffee cups, fire extinguisher.

If you are requesting that the protection order lasts longer than one year, describe the reasons why:

I want at least a 5 year Restraining order, if I could have permanent protection order I would like that. He is a harm to my safety and well-being, and has put fear in me and is affiliated with a national gang call Black Gangster Disciple.

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

(continue on separate page if necessary)

Check box if substance abuse is involved:  alcohol  drugs  other

Personal service cannot be made upon respondent within the state of Washington.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: 9/18/08 at Chenalis, Washington.

Amber Ewe  
Signature of Petitioner

You have a right to keep your residential address confidential. If you have one, please provide an address, other than your residence, where you may receive legal documents: \_\_\_\_\_

SEP 29 2008  
Kathy A. Brack, Clerk  
Deputy

SEP 29 2008

Kathy A. Brack, Clerk

Deputy

6

**SUPERIOR COURT OF WASHINGTON  
FOR LEWIS COUNTY**

No. 08.2.01218-1

AMBER C. GEE 3.19.89

Petitioner (First, Middle, Last Name) DOB

v. SHANELL K. DUNCAN 2.28.80

Respondent (First, Middle, Last Name) DOB

**ORDER FOR PROTECTION**

COURT ADDRESS: LAW & JUSTICE CENTER

345 W. MAIN CHEHALIS, WA 98532

Telephone Number: (360) 740-2704

(Clerk's Action Required) (ORPRT)

Names of Minors:  No Minors Involved

First	Middle	Last	Age

**Respondent Identifiers**

Sex	Race	Hair
M	AFR/AMER	BLACK
Height	Weight	Eyes
5'8	175	BROWN

Respondent's Distinguishing Features:

Caution: Access to weapons:  yes  no  unknown

**The Court Finds Based Upon the Court Record:**

The court has jurisdiction over the parties, the minors, and the subject matter and respondent has been provided with reasonable notice and an opportunity to be heard. Notice of this hearing was served on the respondent by  personal service  service by mail pursuant to court order  service by publication pursuant to court order  other

This order is issued in accordance with the Full Faith and Credit provisions of VAWA: 18 U.S.C. § 2265.

Respondent's relationship to the petitioner is:

- spouse or former spouse     current or former dating relationship     in-law     parent or child  
 parent of a common child     stepparent or stepchild     blood relation other than parent or child  
 current or former cohabitant as intimate partner     current or former cohabitant as roommate

Respondent committed domestic violence as defined in RCW 26.50.010 and represents a credible threat to the physical safety of petitioner; the court concludes as a matter of law the relief below shall be granted.

**Court Order Summary:**

- Respondent is restrained from committing acts of abuse as listed in restraint provision 1, on page 2.  
 No-contact provisions apply as set forth on the following pages.  
 Additional provisions are listed on the following pages.

The terms of this order shall be effective immediately and for one year from today's date, unless stated otherwise here (date):

**PERMANENT**

Order for Protection (ORPRT) - Page 1 of 4  
WPF DV-3.015 Mandatory (7/2007) - RCW 26.50.060

**PETx / RESP HRN**

**JAIL / CHEHALIS / SVC =**

**It is Ordered:**

1. Respondent is **Restrained** from causing physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking  petitioner  the minors named in the table above  these minors only:

(If the respondent's relationship to the petitioner is that of spouse or former spouse, parent of a common child, or former or current cohabitant as intimate partner, then effective immediately, and continuing as long as this protection order is in effect, the respondent may not possess a firearm or ammunition. 18 U.S.C. § 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)

2. Respondent is **Restrained** from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, including, but not limited to text messages, instant messages, e-mail, My Space, Faces, or any other electronic or telephonic communications, except for mailing or service of process of court documents by a 3<sup>rd</sup> party or contact by Respondent's lawyer(s) with  petitioner  the minors named in the table above  these minors only:

If both parties are in the same location, respondent shall leave.

**Exception:** The parties may communicate through \_\_\_\_\_ regarding emergencies or visitations of the children.

3. Respondent is **Excluded** from petitioner's  residence 1208 ALDER ST #310 Centralia WA  
 workplace Country Fresh Laundry  school \_\_\_\_\_  
1253 Harrison AVE Centralia WA  
 the day care or school \_\_\_\_\_  
 the minors named in the table above  these minors only:  
 Petitioner's address is confidential.  Petitioner waives confidentiality of the address which is:  
**SEE ABOVE**

4. Petitioner shall have exclusive right to the residence that petitioner and respondent share. The respondent shall immediately **Vacate** the residence. The respondent may take respondent's personal clothing and tools of trade from the residence while a law enforcement officer is present.  
 This address is confidential.  Petitioner waives confidentiality of this address which is:  
**SEE ABOVE**

5. Respondent is **Prohibited** from knowingly coming within, or knowingly remaining within 500 FEET (distance) of: petitioner's  residence  workplace  
 school;  the day care or school of  the minors named in the table on page one  
 these minors only:  
 **PETITIONER**  **MINOR CHILDREN**

6. Petitioner shall have possession of essential personal belongings, including the following:  
\_\_\_\_\_

7. Petitioner is granted use of the following vehicle:  
Year, Make & Model \_\_\_\_\_ License No. \_\_\_\_\_

<input type="checkbox"/> 8. Other:
<input type="checkbox"/> 9. Respondent shall participate in treatment and counseling as follows: <input type="checkbox"/> domestic violence perpetrator treatment program approved under RCW 26.50.150 or counseling at: _____ <input type="checkbox"/> parenting classes at: _____ <input type="checkbox"/> drug/alcohol treatment at: _____ <input type="checkbox"/> Respondent shall sign releases so evaluators can speak with Petitioner.
<input type="checkbox"/> 10. Petitioner is granted judgment against respondent for \$ _____ fees and costs.
<input type="checkbox"/> 11. Parties shall return to court on _____, at _____ .m. for review.
<b>Complete only if the protection ordered involves minors:</b> This state <input type="checkbox"/> has exclusive continuing jurisdiction; <input type="checkbox"/> is the home state; <input type="checkbox"/> has temporary emergency jurisdiction <input type="checkbox"/> that may become final jurisdiction under RCW 26.27.231(2); <input type="checkbox"/> other: _____
<input type="checkbox"/> 12. Petitioner is <b>Granted</b> the temporary care, custody, and control of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
<input type="checkbox"/> 13. Respondent is <b>Restrained</b> from interfering with petitioner's physical or legal custody of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
<input type="checkbox"/> 14. Respondent is <b>Restrained</b> from removing from the state <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:



IN THE SUPREME COURT OF THE  
STATE OF WASHINGTON

SHYANNE COLVIN, SHANELL  
DUNCAN, TERRY KILL, LEONDIS  
BERRY, and THEODORE ROOSEVELT  
RHONE,

Petitioners,

v.

JAY INSLEE, Governor of the State of  
Washington, and STEPHEN  
SINCLAIR, Secretary of the Washington  
State Department of Corrections,

Respondents.

NO. CASE NO. 98317-8

DECLARATION OF JAMES M.  
WHISMAN AS TO PEITIONER  
LEONDIS DAVONE BERRY

RE: ARTICLE 1, SECTION 35 OF THE  
CONSTITUTION OF THE STATE OF  
WASHINGTON AND RCWS 7.69.020(14)  
AND 7.69.030

I, JAMES M. WHISMAN, am a senior deputy prosecuting attorney in the King County Prosecuting Attorney's Office. I was asked this week to attempt contact with victims from Mr. Leondis Berry's conviction under King County Superior Court Cause No. 01-1-05494-1 SEA to facilitate the rights granted to victims under Article 1, Section 35 of the Constitution of the State of Washington and RCWs 7.69.020(14) and 7.69.030.

Petitioner Leondis Devone Berry committed multiple crimes against seven victims under King County Cause Number 01-1-05494-1 SEA. Appendix A. Our victim assistance unit attempted to contact those victims yesterday with only partial success. One victim contacted remains adamantly opposed to release, fears for his safety, and does not wish to be named in any public documents. Other victims do not oppose Berry's release at this time. Three people have not responded to calls. Given the lack of advance notice and the myriad other duties triggered by the COVID-19 pandemic, it is impossible to accurately and completely summarize the views of the seven victims affected by Berry's crimes.

Dated: April 16, 2020.

Signed at Seattle, WA.

WSBA# *James M. Whisman*  
Senior Deputy Prosecuting Attorney  
King County Prosecutor's Office W554 King  
County Courthouse  
516 Third Avenue  
Seattle, WA 984104  
Telephone: (206) 296-9000



DNA

PRESENTENCING STATEMENT & INFORMATION ATTACHED  
COMMITMENT ISSUED JUN 10 2002

FILED

02 JUN 10 AM 10:26

KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,	)	
	)	
	)	Plaintiff,
	)	No. 01-1-05494-1 SEA
	)	
	)	Vs.
	)	JUDGMENT AND SENTENCE
	)	FELONY
LEONDIS DAVONE BERRY	)	
	)	
	)	Defendant,

I. HEARING

I.1 The defendant, the defendant's lawyer, MICHAEL DANKO, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: \_\_\_\_\_

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 01/09/2002 by plea of:

Count No.: I Crime: ROBBERY IN THE FIRST DEGREE  
 RCW 9A.56.200 (1) (a) (b) (c) & 9A.56.190 Crime Code: 02904  
 Date of Crime: 05/25/2001 Incident No. \_\_\_\_\_

Count No.: II Crime: ROBBERY IN THE FIRST DEGREE  
 RCW 9A.56.200 (1) (a) (b) (c) & 9A.56.190 Crime Code: 02904  
 Date of Crime: 05/25/2001 Incident No. \_\_\_\_\_

Count No.: VI Crime: ROBBERY IN THE FIRST DEGREE  
 RCW 9A.56.200 (1) (a) (b) (c) & 9A.56.190 Crime Code: 02904  
 Date of Crime: 05/25/2001 Incident No. \_\_\_\_\_

Count No.: IX Crime: ROBBERY IN THE FIRST DEGREE  
 RCW 9A.56.200 (1) (a) (b) (c) & 9A.56.190 Crime Code: 02904  
 Date of Crime: 05/24/2001 Incident No. 02904

[X] Additional current offenses are attached in Appendix A

**SPECIAL VERDICT or FINDING(S):**

- (a)  While armed with a **firearm** in count(s) I, II, VI, IX RCW 9.94A.310(3).  
 (b)  While armed with a **deadly weapon** other than a firearm in count(s) \_\_\_\_\_ RCW 9.94A.310(4).  
 (c)  With a **sexual motivation** in count(s) \_\_\_\_\_ RCW 9.94A.127.  
 (d)  A V.U.C.S.A. offense committed in a **protected zone** in count(s) \_\_\_\_\_ RCW 69.50.435.  
 (e)  **Vehicle homicide**  Violent traffic offense  DUI  Reckless  Disregard.  
 (f)  **Vehicle homicide by DUI** with \_\_\_\_\_ prior conviction(s) for offense(s) defined in RCW 41.61.5055, RCW 9.94A.310(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.400(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.360):

Criminal history is attached in **Appendix B**.

Prior convictions counted as one offense in determining the offender score (RCW 9.94A.360(5) are: \_\_\_\_\_

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	+60 MONTHS	189 TO 231 MONTHS	LIFE AND/OR \$50,000
Count II	14	IX	129 TO 171	+60 MONTHS	189 TO 231 MONTHS	LIFE AND/OR \$50,000
Count VI	14	IX	129 TO 171	+60 MONTHS	189 TO 231 MONTHS	LIFE AND/OR \$50,000
Count IX	14	IX	129 TO 171	+60 MONTHS	189 TO 231 MONTHS	LIFE AND/OR \$50,000

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

**2.5 EXCEPTIONAL SENTENCE:**

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.  
 [X] The Court DISMISSES Count(s) III, IV, V, VII, VIII, XI AND ENHANCEMENTS ON CTS X & XII

### 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.142(2), sets forth those circumstances in attached Appendix E.  
 Restitution to be determined at future restitution hearing on (Date) July 11 at 8:30 A.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)  \$ \_\_\_\_\_, Recoupment for attorney's fees to King County Public Defense Programs;  
 Recoupment is waived (RCW 9.94A.030);  
 (c)  \$ \_\_\_\_\_, Fine;  \$1,000, Fine for VUCSA;  \$2,000, Fine for subsequent VUCSA;  
 VUCSA fine waived (RCW 69.50.430);  
 (d)  \$ \_\_\_\_\_, King County Interlocal Drug Fund;  Drug Fund payment is waived;  
 (RCW 9.94A.030)  
 (e)  \$ \_\_\_\_\_, State Crime Laboratory Fee;  Laboratory fee waived (RCW 43.43.690);  
 (f)  \$ \_\_\_\_\_, Incarceration costs;  Incarceration costs waived (RCW 9.94A.145(2));  
 (g)  \$ \_\_\_\_\_, Other costs for: \_\_\_\_\_

#### 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. Financial obligations shall bear interest pursuant to RCW 10.82.090. The Defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from the date of sentence or release from confinement to assure payment of financial obligations.

*collection & TRUST FEES WAIVED*

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; 129 months/days on count VI; 129 months/day on count X  
129 months/days on count II; 129 months/days on count IX; 129 months/day on count XII

The above terms for counts I, II, VI, IX, X, XII are concurrent/consecutive

The above terms shall run concurrent/consecutive with cause No.(s) \_\_\_\_\_

The above terms shall run consecutive 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: CT I: 60 MOS CT II: 60 MOS  
CT VI: 60 MOS CT IX: 60 MOS

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 369 months.

Credit is given for  379 days served [ ] days as determined by the King County Jail, solely for conviction under this cause number pursuant to RCW 9.94A120(17).

4.5 NO CONTACT: For the maximum term of 1 1/2 years, defendant shall have no contact with ALL VICTIMS IN ALL COUNTS

4.6 Blood Testing : (sex offense, violent offense, prostitution offense, drug offense associated with the use of hypodermic needles) Appendix G is a blood testing and counseling order that is part of and incorporated by reference into this Judgment and Sentence.

4.7 (a) [ ] COMMUNITY PLACEMENT pursuant to RCW 9.94A.120(9), 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.150 whichever is longer. [24 months for any serious violent offense, vehicular homicide, vehicular assault, or sex offense prior to 7-6-96; 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.440 not otherwise described above.] APPENDIX H for Community Placement conditions is attached and incorporated herein.

(b)  COMMUNITY CUSTODY pursuant to RCW 9.94.120(10) for any SEX OFFENSE committed after 6-6-96 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.150 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.120(11) for qualifying crimes committed after 6-30-2000 is ordered for the following established range:

- Sex Offense, RCW 9.94A.030(36) - 36 to 48 months
- Serious Violent Offense, RCW 9.94A.030(34) - 24 to 48 months
- Violent Offense, RCW 9.94A.030(41) - 18 to 36 months
- Crime Against Person, RCW 9.94A.440 - 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.150, whichever is longer. Sanctions and punishments for non-compliance will be imposed by the Department of Corrections pursuant to RCW 9.94A.205.

APPENDIX H for Community Custody conditions is attached and incorporated herein.

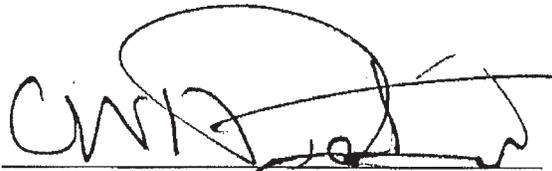
APPENDIX J for sex offender registration is attached and incorporated herein.

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.137 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.120(9)(b). Appendix H for Community Custody Conditions is attached and incorporated herein.

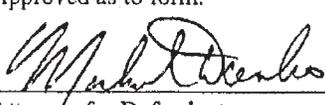
4.9  **ARMED CRIME COMPLIANCE, RCW 9.94A.103,105.** The State's plea/sentencing agreement is  attached  as follows:

\_\_\_\_\_  
\_\_\_\_\_

Date: JUNE 7, 2002

  
\_\_\_\_\_  
JUDGE CHARLES W. MERTEL  
Print Name: \_\_\_\_\_

Presented by:   
\_\_\_\_\_  
Deputy Prosecuting Attorney, WSBA# 1732  
Print Name: SOBELY

Approved as to form:   
\_\_\_\_\_  
Attorney for Defendant  
Print Name: Michael D'Amico WSBA # 14312

BEST IMAGE POSSIBLE/POOR ORIGINAL

FINGERPRINTS



RIGHT HAND  
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE: Lee Berry  
DEFENDANT'S ADDRESS: 1000

LEONDIS DAVONE BERRY

DATED: JUN - 7 2002  
[Signature]  
JUDGE, KING COUNTY SUPERIOR COURT  
CHARLES W. MERTEL

ATTESTED BY: PAUL L. SHERFEY,  
SUPERIOR COURT CLERK  
BY: [Signature]  
DEPUTY CLERK

CERTIFICATE

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: \_\_\_\_\_

OFFENDER IDENTIFICATION

S.I.D. NO. WA14747856  
DOB: JUNE 20, 1973  
SEX: M  
RACE: B

\_\_\_\_\_  
CLERK

BY: \_\_\_\_\_  
DEPUTY CLERK

**SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

STATE OF WASHINGTON,	)	
	)	
	)	Plaintiff,
	)	No. 01-1-05494-1 SEA
vs.	)	
	)	JUDGMENT AND SENTENCE
	)	(FELONY) - APPENDIX A
LEONDIS DAVONE BERRY	)	ADDITIONAL CURRENT OFFENSES
	)	
	)	Defendant,
	)	

---

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

Count No.: X Crime: ROBBERY IN THE FIRST DEGREE  
 RCW 9A.56.200 (1) (a) (b) (c) & 9A.56.190 Crime Code 02904  
 Date Of Crime 05/24/2001 Incident No. \_\_\_\_\_

Count No.: XII Crime: ROBBERY IN THE FIRST DEGREE  
 RCW 9A.56.200 (1) (a) (b) (c) & 9A.56.190 Crime Code 02904  
 Date Of Crime 05/25/2001 Incident No. \_\_\_\_\_

Date: JUNE 7, 2002

  
 \_\_\_\_\_  
 JUDGE, KING COUNTY SUPERIOR COURT  
 CHARLES W. MERTEL

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

LEONDIS DAVONE BERRY

Defendant,

No. 01-1-05494-1 SEA

JUDGMENT AND SENTENCE,  
(FELONY) - APPENDIX B,  
CRIMINAL HISTORY

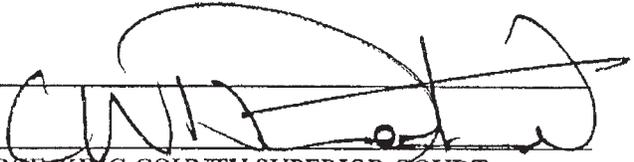
2.2 The defendant has the following criminal history used in calculating the offender score (RCW 9.94A.360):

Crime	Sentencing Date	Adult or Juv. Crime	Cause Number	Location
VUCSA: POSSESS COCAINE	11/12/1993	ADULT	931000860	KING CO
THEFT 1	09/25/1997	ADULT	961010649	KING CO
ROBBERY 2	06/30/1995	ADULT	95C031788	KING CO

[ ] The following prior convictions were counted as one offense in determining the offender score (RCW 9.94A.360(11)):

Date:

JUNE 7, 2002

  
JUDGE, KING COUNTY SUPERIOR COURT

CHARLES W. MERTEL

**SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

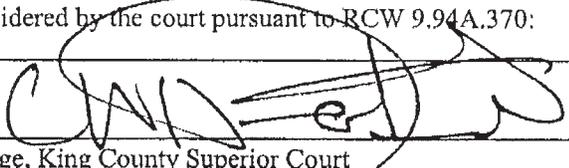
STATE OF WASHINGTON,	)	
	)	
	)	Plaintiff,
	)	No. 01-1-05494-1 SEA
vs.	)	
	)	
	)	JUDGMENT AND SENTENCE
LEONDIS DAVONE BERRY	)	(FELONY) - APPENDIX C,
	)	ADDITIONAL CURRENT OFFENSE(S)
	)	SENTENCING DATA
	)	
	)	

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
X	14	IX	129 TO 171		129 TO 171 MONTHS	LIFE AND/OR \$50,000
XII	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.370:  
[Real and Material Facts]

Date: JUNE 7, 2002

  
 Judge, King County Superior Court  
 CHARLES W. MERTEL

DNA

**SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

STATE OF WASHINGTON,	)	
	)	
	)	Plaintiff,
	)	
vs.	)	
	)	No. 01-1-05494-1 SEA
	)	
	)	APPENDIX G
LEONDIS DAVONE BERRY	)	ORDER FOR BLOOD TESTING
	)	AND COUNSELING
	)	
	)	Defendant,
	)	

(1)  **HIV TESTING AND COUNSELING:**

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense committed after March 23, 1988. RCW 70.24.340):

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 296-4848 to make arrangements for the test to be conducted within 30 days.

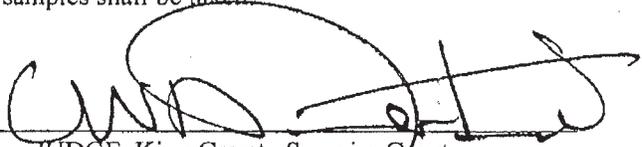
(2)  **DNA IDENTIFICATION:**

(Required for defendant convicted of sexual offense or violent offense. RCW 43.43.754):

The Court orders the defendant to cooperate with the King County Department of Adult Detention and/or the State Department of Corrections in providing a blood 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.

If both (1) and (2) are checked, two independent blood samples shall be taken.

Date: JUNE 7, 2002



JUDGE, King County Superior Court

**CHARLES W. MERTEL**

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, )  
 )  
 Plaintiff, ) No. 01-1-05494-1 SEA  
 )  
 vs. ) JUDGMENT AND SENTENCE  
 ) APPENDIX H  
 LEONDIS DAVONE BERRY ) COMMUNITY PLACEMENT / COMMUNITY  
 ) CUSTODY  
 Defendant, )

The Defendant shall comply with the following conditions of community placement or community custody pursuant to RCW 9.94A.120(9)(b); RCW 9.94A.120(10); RCW 9.94A.120(11); or RCW 9.94A.137 for Work Ethic Camp approved offenders:

- 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; and
- 6) Not own, use, or possess a firearm or ammunition. (RCW 9.94A.120(16))
- 7) Notify community corrections officer of any change in address or employment;
- 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.
- Defendant shall have no contact with: \_\_\_\_\_

Defendant shall remain  within  outside of a specified geographical boundary, to wit: \_\_\_\_\_

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

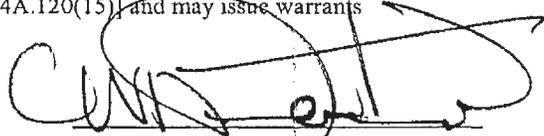
The defendant shall comply with the following crime-related prohibitions: \_\_\_\_\_

NO CONTACT w/ GARY DEPKING; CATHY WEST; MATTHEWS  
 Family; JOHN URBINA; Bong Chung; CHRISTIAN  
 FITZGERALD; GABRIELE ODENWALD

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.120(15)] and may issue warrants and/or detain defendants who violate a condition [RCW 9.94A.207].

Date: JUNE 7, 2002

  
 JUDGE  
 CHARLES W. MERTEL

# APPENDIX B

Information and Certifications for Determination of Probable Cause  
King County Cause Number 01-1-05494-1 SEA

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**FILED**  
KING COUNTY, WASHINGTON  
JUN 11 2001  
SUPERIOR COURT CLERK  
CRIMINAL PRESIDING

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,	)	
	)	
Plaintiff,	)	No. 01-1-05494-1 SEA
	)	
v.	)	
	)	AMENDED INFORMATION
LEONDIS D. BERRY	)	
	)	
	)	
Defendant.	)	

COUNT I

I, Norm Maleng, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse LEONDIS D. BERRY of the crime of Robbery in the First Degree, committed as follows:

That the defendant LEONDIS D. BERRY in King County, Washington, on or about May 25, 2001, did unlawfully and with intent to commit theft take personal property of another, to-wit: lawful United States currency and gift certificates, from the person and in the presence of Gary Depring and/or Burger King Restaurant, against his will, by the use or threatened use of immediate force, violence and fear of injury to such person or his property and to the person or property of another and in the commission of and in immediate flight therefrom the defendant was armed with a deadly weapon and displayed what appeared to be a firearm, to-wit: a handgun;

Contrary to RCW 9A.56.200(1)(a)(b)(c) and 9A.56.190, and against the peace and dignity of the State of Washington.

And I, Norm Maleng, Prosecuting Attorney for King County in the name and by the authority of the State of Washington further do accuse the defendant LEONDIS D. BERRY at said time of being armed

**Norm Maleng**  
Prosecuting Attorney  
W 554 King County Courthouse  
Seattle, Washington 98104-2312  
(206) 296-9000

1 with a handgun, a firearm as defined in RCW 9.41.010, under the  
2 authority of RCW 9.94A.310(3).

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COUNT II

And I, Norm Maleng, Prosecuting Attorney aforesaid further do  
accuse LEONDIS D. BERRY of the crime of **Robbery in the First  
Degree**, a crime of the same or similar character as another crime  
charged herein, which crimes were part of a common scheme or plan  
and which crimes were so closely connected in respect to time,  
place and occasion that it would be difficult to separate proof of  
one charge from proof of the other, committed as follows:

That the defendant LEONDIS D. BERRY in King County,  
Washington, on or about May 25, 2001, did unlawfully and with  
intent to commit theft take personal property of another, to-wit:  
wallet, keys, and checkbook, from the person and in the presence of  
Cathy West against her will, by the use or threatened use of  
immediate force, violence and fear of injury to such person or her  
property and in the commission of and in immediate flight therefrom  
the defendant was armed with a deadly weapon, and displayed what  
appeared to be a firearm, to-wit: a handgun;

Contrary to RCW 9A.56.200(1)(a)(b)(c) and 9A.56.190, and  
against the peace and dignity of the State of Washington.

And I, Norm Maleng, Prosecuting Attorney for King County in  
the name and by the authority of the State of Washington further do  
accuse the defendant LEONDIS D. BERRY at said time of being armed  
with a handgun, a firearm as defined in RCW 9.41.010, under the  
authority of RCW 9.94A.310(3).

COUNT III

And I, Norm Maleng, Prosecuting Attorney aforesaid further do  
accuse LEONDIS D. BERRY of the crime of **Taking Motor Vehicle  
Without Permission**, a crime of the same or similar character as  
another crime charged herein, which crimes were part of a common  
scheme or plan and which crimes were so closely connected in  
respect to time, place and occasion that it would be difficult to  
separate proof of one charge from proof of the other, committed as  
follows:

That the defendant LEONDIS D. BERRY in King County,  
Washington, on or about May 25, 2001, did intentionally and without  
permission of Cathy West, the owner and person entitled to  
possession thereof, take and drive away a motor vehicle, to-wit:  
a 1996 green Ford Explorer, Washington license number 454-GXL, and  
with knowledge that such motor vehicle had been unlawfully taken  
did voluntarily ride in and upon such motor vehicle;

Contrary to RCW 9A.56.070, and against the peace and dignity  
of the State of Washington.

**Norm Maleng**  
Prosecuting Attorney  
W 554 King County Courthouse  
Seattle, Washington 98104-2312  
(206) 296-9000



1 intent to commit theft take personal property of another, to-wit:  
 2 car keys, from the person and in the presence of John Urbina,  
 3 against his will, by the use or threatened use of immediate force,  
 4 violence and fear of injury to such person or his property and in  
 the commission of and in immediate flight therefrom the defendant  
 was armed with a deadly weapon and displayed what appeared to be a  
 firearm, to-wit: a handgun;

5 Contrary to RCW 9A.56.200(1)(a)(b)(c) and 9A.56.190, and  
 6 against the peace and dignity of the State of Washington.

7 And I, Norm Maleng, Prosecuting Attorney for King County in  
 the name and by the authority of the State of Washington further do  
 8 accuse the defendant LEONDIS D. BERRY at said time of being armed  
 with a handgun, a firearm as defined in RCW 9.41.010, under the  
 authority of RCW 9.94A.310(3).

9  
 10 COUNT VII

11 And I, Norm Maleng, Prosecuting Attorney aforesaid further do  
 12 accuse LEONDIS D. BERRY of the crime of **Residential Burglary**, a  
 13 crime of the same or similar character as another crime charged  
 herein, which crimes were part of a common scheme or plan and which  
 crimes were so closely connected in respect to time, place and  
 occasion that it would be difficult to separate proof of one charge  
 from proof of the other, committed as follows:

14 That the defendant LEONDIS D. BERRY in King County,  
 15 Washington, on or about May 25, 2001, did enter and remain  
 unlawfully in the dwelling of John Urbina, located at 5198 South  
 16 Spencer, in said county and state, with intent to commit a crime  
 against a person or property therein;

17 Contrary to RCW 9A.52.025, and against the peace and dignity  
 18 of the State of Washington.

19 And I, Norm Maleng, Prosecuting Attorney for King County in  
 the name and by the authority of the State of Washington further do  
 20 accuse the defendant LEONDIS D. BERRY at said time of being armed  
 with a handgun, a firearm as defined in RCW 9.41.010, under the  
 authority of RCW 9.94A.310(3).

21  
 22 COUNT VIII

23 And I, Norm Maleng, Prosecuting Attorney aforesaid further do  
 24 accuse LEONDIS D. BERRY of the crime of **Taking Motor Vehicle**  
 25 **Without Permission**, a crime of the same or similar character as  
 another crime charged herein, which crimes were part of a common  
 scheme or plan and which crimes were so closely connected in  
 respect to time, place and occasion that it would be difficult to  
 26 separate proof of one charge from proof of the other, committed as  
 follows:

27  
 Norm Maleng  
 Prosecuting Attorney  
 W 554 King County Courthouse  
 Seattle, Washington 98104-2312  
 (206) 296-9000

1 That the defendant LEONDIS D. BERRY in King County,  
 2 Washington, on or about May 25, 2001, did intentionally and without  
 3 permission of John Urbina, the owner and person entitled to  
 4 possession thereof, take and drive away a motor vehicle, to-wit:  
 a 1993 Mercedes convertible, and with knowledge that such motor  
 vehicle had been unlawfully taken did voluntarily ride in and upon  
 such motor vehicle;

5 Contrary to RCW 9A.56.070, and against the peace and dignity  
 6 of the State of Washington.

7 And I, Norm Maleng, Prosecuting Attorney for King County in  
 the name and by the authority of the State of Washington further do  
 8 accuse the defendant LEONDIS D. BERRY at said time of being armed  
 with a handgun, a firearm as defined in RCW 9.41.010, under the  
 authority of RCW 9.94A.310(3).  
 9

10 COUNT IX

11 And I, Norm Maleng, Prosecuting Attorney aforesaid further do  
 12 accuse LEONDIS D. BERRY of the crime of **Robbery in the First**  
 13 **Degree**, a crime of the same or similar character as another crime  
 charged herein, which crimes were part of a common scheme or plan  
 and which crimes were so closely connected in respect to time,  
 place and occasion that it would be difficult to separate proof of  
 one charge from proof of the other, committed as follows:

14 That the defendant LEONDIS D. BERRY in King County,  
 15 Washington, on or about May 24, 2001, did unlawfully and with  
 16 intent to commit theft take personal property of another, to-wit:  
 17 lawful United States currency and/or cigarettes, from the person  
 and in the presence of Bong Chung and/or Noah's Grocery, against  
 his will, by the use or threatened use of immediate force, violence  
 and fear of injury to such person or his property and to the person  
 18 or property of another and in the commission of and in immediate  
 flight therefrom the defendant was armed with a deadly weapon, and  
 19 displayed what appeared to be a firearm, to-wit: a handgun;

20 Contrary to RCW 9A.56.200(1)(a)(b)(c) and 9A.56.190, and  
 21 against the peace and dignity of the State of Washington.

22 And I, Norm Maleng, Prosecuting Attorney for King County in  
 the name and by the authority of the State of Washington further do  
 23 accuse the defendant LEONDIS D. BERRY at said time of being armed  
 with a handgun, a firearm as defined in RCW 9.41.010, under the  
 authority of RCW 9.94A.310(3).  
 24

25 COUNT X

26 And I, Norm Maleng, Prosecuting Attorney aforesaid further do  
 27 accuse LEONDIS D. BERRY of the crime of **Robbery in the First**  
**Degree**, a crime of the same or similar character as another crime  
 charged herein, which crimes were part of a common scheme or plan

**Norm Maleng**  
 Prosecuting Attorney  
 W 554 King County Courthouse  
 Seattle, Washington 98104-2312  
 (206) 296-9000

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

3 That the defendant LEONDIS D. BERRY in King County,  
4 Washington, on or about May 24, 2001, did unlawfully and with  
5 intent to commit theft take personal property of another, to-wit:  
6 wallet with contents, from the person and in the presence of  
7 Christian Fitzgerald against his will, by the use or threatened use  
of immediate force, violence and fear of injury to such person or  
his property and in the commission of and in immediate flight  
therefrom the defendant was armed with a deadly weapon, and  
displayed what appeared to be a firearm, to-wit: a handgun;

8 Contrary to RCW 9A.56.200(1)(a)(b)(c) and 9A.56.190, and  
9 against the peace and dignity of the State of Washington.

10 And I, Norm Maleng, Prosecuting Attorney for King County in  
11 the name and by the authority of the State of Washington further do  
12 accuse the defendant LEONDIS D. BERRY at said time of being armed  
13 with a handgun, a firearm as defined in RCW 9.41.010, under the  
14 authority of RCW 9.94A.310(3).

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COUNT XI

And I, Norm Maleng, Prosecuting Attorney aforesaid further do  
accuse LEONDIS D. BERRY of the crime of **Unlawful Possession of a  
Firearm in the First Degree**, a crime of the same or similar  
character as another crime charged herein, which crimes were part  
of a common scheme or plan and which crimes were so closely  
connected in respect to time, place and occasion that it would be  
difficult to separate proof of one charge from proof of the other,  
committed as follows:

That the defendant LEONDIS D. BERRY in King County,  
Washington, during a period of time intervening between May 24,  
2001, through May 25, 2001, previously having been convicted in  
King County Superior Court of the crime of Robbery in the Second  
Degree, a serious offense as defined in RCW 9.41.010, knowingly did  
own, have in his/her possession, or have in his/her control, a  
revolver, a firearm as defined in RCW 9.41.010;

Contrary to RCW 9.41.040(1)(a), (2)(a), and against the peace  
and dignity of the State of Washington.

COUNT XII

And I, Norm Maleng, Prosecuting Attorney aforesaid further do  
accuse LEONDIS D. BERRY of the crime of **Robbery in the First  
Degree**, a crime of the same or similar character as another crime  
charged herein, which crimes were part of a common scheme or plan  
and which crimes were so closely connected in respect to time,

Norm Maleng  
Prosecuting Attorney  
W 554 King County Courthouse  
Seattle, Washington 98104-2312  
(206) 296-9000

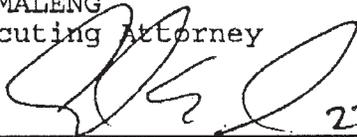
1 place and occasion that it would be difficult to separate proof of  
2 one charge from proof of the other, committed as follows:

3 That the defendant LEONDIS D. BERRY in King County,  
4 Washington, on or about May 25, 2001, did unlawfully and with  
5 intent to commit theft take personal property of another, to-wit:  
6 a motor vehicle, from the person and in the presence of Gabriele  
7 Odenwald against her will, by the use or threatened use of  
8 immediate force, violence and fear of injury to such person or her  
9 property and in the commission of and in immediate flight therefrom  
10 the defendant displayed what appeared to be a firearm, to-wit: a  
11 handgun;

12  
13 Contrary to RCW 9A.56.200(1)(a)(b)(c) and 9A.56.190, and  
14 against the peace and dignity of the State of Washington.

15 And I, Norm Maleng, Prosecuting Attorney for King County in  
16 the name and by the authority of the State of Washington further do  
17 accuse the defendant LEONDIS D. BERRY at said time of being armed  
18 with a handgun, a firearm as defined in RCW 9.41.010, under the  
19 authority of RCW 9.94A.310(3).  
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NORM MALENG  
Prosecuting Attorney

By:  27449 R  
Scott A. Marlow, WSBA #25987  
Deputy Prosecuting Attorney.

**Norm Maleng**  
Prosecuting Attorney  
W 554 King County Courthouse  
Seattle, Washington 98104-2312  
(206) 296-9000

01 1 05494 198A

## CAUSE NO.

CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

That *Det. J. A. GOMES* is a (*Detective*) with the BELLEVUE POLICE DEPARTMENT and has reviewed the investigation conducted at 11400 Main ST., Bellevue, Washington, County of King, BELLEVUE POLICE DEPARTMENT Case Number ()1B-6054.

There is probable cause to believe that on 5-25-01 at 0948 hours, Leondis Davone Berry, DOB 08-08-78, committed the crime(s) of. **ARMED ROBBERY.**

This belief is predicated on the following facts and circumstances:

That on 5-25-01 at approximately 9:48 a.m., Cathy M. West (DOB 010351), drove her 1996 Ford Explorer, Lic.# 454-GXL Wa. into the parking lot of the Extended Stay Hotel located at 11400 Main St., Bellevue, Washington, County of King. That as she entered the parking lot she noticed a black, male, adult walking around a black Mercedes, Lic# 529-FDZ WA. That this male was wearing a baseball cap, sunglasses, white T-shirt, a windbreaker type jacket, shorts and tennis shoes. That as she walked to the east entrance door to the hotel this same black male contacted her and asked to be let into the hotel. That West told the male she could not do that because he needed a security card to enter. That West did not attempt to enter the door with her security card and was about to walk to the front door when the male subject pulled out a handgun from his waist and stated, "I want your wallet," "I want your keys", and "I want your checkbook". That the subject held the handgun close to his body, waist height and pointed it at West. That West describes the handgun as being dark colored with a barrel that appeared round in shape. That West then opened her purse and gave him her small black Brahmin wallet, which contained several credit cards, and one blank check. That West also gave the subject her checkbook and the keys to her green Ford Explorer, plate# 454-GXL WA. That after West had given the items to the male subject he ordered her to the ground and told her not to look at him. That the subject also demanded West give him her cellular phone, which she did. That at this point a vehicle entered the lot and West and the

1 subject walked off. That West separated from the subject and entered the north entrance to the hotel and  
2 reported the robbery. That West was contacted by Richard Digiacommo (witness) and advised that the  
3 black male subject had just driven off with a green utility type vehicle, which West reports belongs to her.  
4 That West initiated a written statement with Bellevue Police Officer A. Smyth.

5  
6 That suspect Leondis D. Berry was arrested by the King County Police Department on 5-25-01 after a  
7 pursuit Berry was involved in related to a stolen car out of Normandy Park, Washington. That the stole  
8 Ford Explorer registered to victim West was recovered on that same day at 137 SW 178<sup>th</sup> ST. Normandy  
9 Park , WA 98166. That pursuant to this information suspect Berry was placed in a live "Line - up" at the  
10 Seattle Police Department on 5-30-01.

11  
12 That on 5-30-01 at 11:00 a.m. your affiant and victim West attended a live "Line-up" conducted by the  
13 Seattle Police Department. That West at the conclusion of the "Line - up" did positively identify Leondis  
14 Davone Berry, DOB 08-08-78, as the black male subject that robbed her at gun point in the parking lot of  
15 the Extended Stay Hotel on 5-25-01.

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20 Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and  
21 correct. Signed and dated by me this 30<sup>th</sup> day of May 2001 at Bellevue, King  
22 County, Washington State.

*Jeffrey A. Sauer*

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ORIGINAL

DES MOINES POLICE DEPARTMENTCERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

That Ross A. Stuth is a detective with the Des Moines Police Department and he has reviewed as well as conducted the investigation in Des Moines Police case number 01-1330

There is probable cause to believe that defendant(s), **Leondis D. Berry** committed the crime(s) of: **Eluding Police**.

That on Friday, 05-25-01 at approximately 1035 hours Officers Shepard and Meissner were working a two officer, uniformed patrol vehicle, equipped with emergency lights, siren and door decals, in the 1400 block of S.216<sup>th</sup> St., in Des Moines King County, Washington. Both officers were dispatched to an outside agency assist to Normandy Park Police, in locating a, black, Mercedes, taken in a car jacking.

As Officers Shepard and Meissner were Eastbound on S. 216<sup>th</sup> St. Officer Crane advised them, via radio, that he was behind the Mercedes approaching their location and he had not activated his emergency equipment. Officer Shepard observed the Mercedes overtake their vehicle in the Westbound lane at a high rate of speed, Officer Shepard estimated at 60 MPH. As the passenger in their patrol vehicle, Officer Shepard obtained a clear view of the driver and sole occupant of the, top down, convertible Mercedes, defendant Berry.

Officers Shepard and Meissner activated their emergency lights and siren in an attempt to have defendant Berry stop the Mercedes. Defendant Berry continued driving the vehicle at a high rate of speed failing to stop at the red signaled intersection of S. 216<sup>th</sup> St. and Pacific Hy. S. Defendant Berry turned Southbound onto Pacific Hy. S. Defendant Berry continued Southbound at speeds in excess of 100 MPH failing to yield or stop for Officers Shepard, Meissner and other police vehicle now assisting in the pursuit.

Officer's Shepard and Meissner lost sight of the Mercedes at Southbound Pacific Hy. S. and S.240<sup>th</sup> St. but were able to locate the direction of travel of the defendant vehicle to Eastbound S.272<sup>nd</sup> St. Officers Shepard and Meissner observed the defendant vehicle Eastbound S.272<sup>nd</sup> St. but lost sight of it as they approached Military Rd. S. The officers were directed by construction workers and motorists that the defendant vehicle turned Southbound on Military Rd. S. As the officers approached S. 288<sup>th</sup> St. and Military Rd. S. they were advised that other officers from varying agencies involved in the pursuit observed the Mercedes crash through a fenced in water detention pond in the 30300 block of 51<sup>st</sup> Ave. S., and a male matching defendant Berry's description running from the scene. On Officer Shepard and Meissner's arrival to this location Officer Shepard observed defendant Berry in the backyard of a residence located at 5150 S. 303<sup>rd</sup> St.

Continuation of  
Certification for Determination of Probable Cause

After securing a perimeter area in the neighborhood and a standoff of defendant Berry, defendant Berry surrendered himself to police negotiators from a residence he was hiding in, located at 5215 S. 302<sup>nd</sup> Pl. S. Officer's Shepard and Meissner were present during this surrender and positively identified defendant Berry as the person who was operating the Mercedes vehicle who failed to yield and/or stop for their emergency vehicle. Officer's Shepard, Meissner and Crane completed written reports of their actions and the facts of this case. In follow up Detective Stuth obtained a map of the location and the route of the pursuit. Detective Stuth requested a tape-recorded transcript of the police radio traffic during and after the pursuit and arrest of defendant Berry. Detective Stuth completed a written report of his actions and has general case knowledge.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 30th day of May, 2001, at Des Moines, King County, Washington.



Detective Ross A. Stuth  
Des Moines Police Department

01 1 05494 1SEA

CAUSE NO.

CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

That Jon Holland is a(n) Detective with the King County Sheriff's Office and has reviewed the investigation conducted in the King County Sheriff's case number 01-168567;

There is probable cause to believe that Leondis D. Berry committed the crime(s) of Robbery In The First Degree, Possession of Stolen Property In The First Degree and Violation Of The Uniform Firearms Act.

This belief is predicated on the following facts and circumstances:

On 05-25-01 at 0747 hrs, two suspects robbed the Burger King located at 17440 SE 272nd St Covington, WA 98042. Gary Depring is the manager of the store. He said that he was notified by one of his employees that there was a black male at the counter that stated that he wanted to apply for a job. Depring said that he went to the counter to greet the male. The employee said that the male was in the bathroom. Depring returned to the counter a second time a few moments later only to find a second black male at the counter. Depring said that the male produced a handgun and placed it into his side. He said that the male forced him back into the office and said "open the fucking safe". Depring said that he did as he was told and opened the safe. Depring said that the male took \$573.00 in cash and \$200.00 in gift certificates. Depring states that the male told him to lay down on the floor. Depring said that he saw the two males flee from the scene in a white van.

This was the first of several robberies that the males committed on this day. Numerous law enforcement agencies are investigating armed robberies and carjackings that were committed in King County.

on 05-25-01 at about 1500 hrs, Leondis Berry was arrested by the King County Sheriff's Office after he was pursued in a stolen Mercedes Benz in the DesMoines / Federal Way area. The Mercedes was reported as being stolen from Bellevue. Berry was later identified as being the driver of the Mercedes. While fleeing from pursuing officers, Berry crashed the Mercedes at the 30000 block of 51st Ave S in Federal Way. Berry fled on foot. Berry was arrested after it was determined that he had committed a burglary and was hiding in a private residence.

Berry was brought to a Sheriff's Office substation and initially interviewed by detective Carlos Bratcher of the Sheriff's Office. Berry admitted to being present at the Burger King with an associate that he claims only to know as Jake. Berry said that Jake robbed the Burger King at gunpoint. Berry denied having anything to do with the robbery. Berry states that a friend of his named Kelly Gonnason loaned him the white van. Berry admitted that he and Jake had been driving the white van. Berry said that earlier in the day, he obtained the Mercedes from Jake. Berry said that the gun that was left in the Mercedes belongs to Jake. Berry admitted to handling the firearm. He said that he gave the van to Jake and that his current whereabouts are unknown.

Certification for Determination  
of Probable Cause

**Norm Maleng**

Prosecuting Attorney

W 554 King County Courthouse

Seattle, Washington 98104-2312

ORIGINAL

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Berry denies committing any of the other robberies. Detectives are currently attempting to find out the identity of "Jake". Additional charges will be filed on Berry from investigating agencies.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated By me this 31st day of May, 2001, at Seattle, Washington.

*Jon C. Hill* KCSO#09460

Certification for Determination of Probable Cause

**ORIGINAL**  
Norm Maleng  
Prosecuting Attorney  
W 554 King County Courthouse  
Seattle, Washington 98104-2312  
(206) 296-9000

CAUSE NO. **01 1 05494 1SEA**SEATTLE  
POLICE  
DEPARTMENT**CERTIFICATION FOR DETERMINATION  
OF PROBABLE CAUSE**

INCIDENT NUMBER	01-244429
UNIT FILE NUMBER	R01-102

That J.B. Craig is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 01-244429;

There is probable cause to believe that Leondis D. Berry, a B/M/06-20-73 committed the crime(s) of Robbery - 1 (3 counts), within the City of Seattle, County of King, State of Washington.

This belief is predicated on the following facts and circumstances:

This case has been designated as Seattle Police Pattern Robbery case 01-E. Pattern Robbery case 01-E consists of three separate robberies, using the major incident report 01-244429 as the identifying case number.

**Seattle Police Case #01-244429, Victim John Urbina:**

That on 05-25-01, victim John Urbina was sitting on his couch at home at 5198 S. Spencer when a B/M suspect entered his residence unexpectedly and pointed a small revolver at Urbina. This suspect then demanded that Urbina give him his money and his car keys. Urbina told the suspect that he didn't have any money and gave the suspect the keys to his 1993 Mercedes convertible, which was parked in his garage. The suspect then fled in Urbina's car in an unknown direction. A Ford Taurus was located abandoned near Urbina's house that had been pursued from Renton that had been stolen in a robbery there. (See Renton Police Case #01-4837) Urbina's vehicle was located in Bellevue, at the scene of another robbery where a Ford Explorer was stolen at gunpoint. (See Bellevue Case #01-6054) Urbina's vehicle was later transported to the Seattle Police Processing room where it was processed for fingerprints. The Ford Explorer was later recovered in Normandy Park at the scene of a robbery of another Mercedes convertible, again taken at gunpoint. (See Normandy Park Police Case #01-1264A) Police became involved in a pursuit of this Mercedes and it crashed into a water retention pond in Federal Way. The suspect, Leondis Berry was tracked to a residence nearby where he surrendered to police. Berry was transported to the Maple Valley Station where Sergeant Aratani and Det. Craig interviewed him. Berry was advised of his rights from an explanation of rights form and admitted to robbing Urbina, the other two Seattle robberies and others. (See statement) King County Officers recovered property belonging to Urbina at scene, where Berry was apprehended. Seattle Police held a line-up on 05-30-01, consisting of Leondis Berry and five additional persons. Victim Urbina positively identified Leondis Berry in position number five, as the person who had robbed him. A small caliber loaded revolver was located inside the Mercedes convertible, recovered in Federal Way, by King County Police.

**Seattle Police Case # 01-242653, Noah's Grocery, located at 4700 50<sup>th</sup> Ave. S.**

On 05-24-01, at approximately 0900 hours, a B/M suspect approached Victim Bong Chung at the counter with a gun visible inside a newspaper. The suspect demanded all of the money from the register. Chung gave the suspect approximately \$15.00 in cash. The suspect then demanded a pack of Newport cigarettes, which Chung gave to him. The suspect was seen getting into an older model car, in the passenger side, accompanied by another B/M. The victims and witnesses



SEATTLE  
POLICE  
DEPARTMENT

**CERTIFICATION FOR DETERMINATION  
OF PROBABLE CAUSE**

INCIDENT NUMBER	01-244429
UNIT FILE NUMBER	R01-102

in this case were unable to identify Leondis Berry in the police line-up. Leondis Berry gave a tape-recorded statement admitting to this robbery, to Detective Craig and Sergeant Aratani. Berry said that a half black, half-white, male named "Jake" was with him at this robbery. Berry said that "Jake had taught him the technique of concealing the gun in a newspaper and that he had gotten the gun from "Jake"

**Seattle Police Case # 01-242724, 1870 40<sup>th</sup> Ave. E., Victim Christian Fitzgerald:**

On 05-24-01, at approximately 0945 hours, Victim Christian Fitzgerald was standing in front of his house at 1870 40<sup>th</sup> Ave. E. when a B/M drove up in a green Cadillac. (WA 848KJD) This B/M asked Fitzgerald for directions to Union St. and he gave them to him. The suspect then said, "Oh, one more thing. Give me everything you got". Fitzgerald gave the suspect his wallet and the suspect drove off with it, southbound on 40<sup>th</sup> Ave. E. Fitzgerald was able to get a good look at the license plate. On 05-25-01, Leondis Berry was arrested after a police pursuit in Federal Way. King County Officers recovered several pieces of identification belonging to Victim Fitzgerald at the scene. Leondis Berry gave detective J.B. Craig and sergeant Aratani a tape-recorded statement admitting to this robbery and having possession of Fitzgerald's identification. (With file)

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to best of my knowledge and belief. Signed and dated by me this 31<sup>st</sup> day of MAY, 2001, at Seattle, Washington.

A. B. Craig #4875

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CAUSE NO. 01-1-05494-1 SEA

PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR  
CONDITIONS OF RELEASE

The Certification for Determination of Probable Cause written by Detective J.B. Craig of the Seattle Police Department is incorporated by reference. The statement of victim Christian Fitzgerald details that the defendant robbed him at gunpoint. The defendant also confessed to using a handgun in this robbery.

The Certification for Determination of Probable Cause written by Detective Jon Holland of the King County Sheriff's Office - Major Crimes Unit - is incorporated by reference. Investigating detective showed a photomontage containing a picture of the defendant to the witnesses from the Burger King. The manger was unable to pick anyone, saying he was focused more on the gun. One of the clerks positively picked the defendant as the gunman in the robbery. The defendant entered the residence located at 5215 S. 303<sup>rd</sup> Place, Auburn, Washington, without the permission of the owners. The defendant entered this home after crashing a car he had driven in an attempt to elude pursuing police vehicles. While inside the residence the defendant changed his clothes and attempted to hide some evidence related to the Burger King robbery.

The Certification for Determination of Probable Cause written by Detective J.A. Gomes of the Bellevue Police Department is incorporated by reference.

The Certification for Determination of Probable Cause written by Detective Ross Stuth of the Des Moines Police Department is incorporated by reference.

The defendant was convicted of Robbery in the Second Degree in King County Superior Court. A guilty plea was entered to that serious offense on May 22, 1995.

Prosecuting Attorney Case  
Summary and Request for Bail  
and/or Conditions of Release - 1

**Norm Maleng**  
Prosecuting Attorney  
W 554 King County Courthouse  
Seattle, Washington 98104-2312  
(206) 296-9000



RE: The Possible Release of Isaac Zamora

To Whom It May Concern:

My name is Jeanine Rood, cousin to Deputy Anne Marie Jackson. I have just learned that Washington is considering releasing inmates amid COVID-19 complications. I understand that one of the primary purposes of the prison system is rehabilitation with the expectation of eventual release. Further, many prisoners, if released early, pose little risk to society. This is not the case for mass murderers like Isaac Zamora. In addition to putting additional innocents at grave risk, releasing Mr. Zamora AT ANY TIME punishes, disrespects, and diminishes the multitude of survivors who live every day with the memory of his atrocities. Since it's inevitable that some inmates will be released, I understand the low level offenders being the first on the list to be let go, but under no circumstances do I believe Isaac Zamora should be released.

Ten families' lives were torn apart in 2008 as a result of the actions of Mr. Zamora, including ours. There is not a day that goes by that I don't think of Anne Marie, and I cannot imagine the pain her mother must endure who has lost both of her children to violence. I've always thought that it was a little easier for our family because Anne Marie was in law enforcement which comes with some risk, something she understood when she entered the profession and we understood as her family. One of my concerns at the time the plea deal, which I expressed to the Court at the time, was my concern that Zamora would become "well" enough to be allowed to go on unsupervised outings from the State hospital, which would open up the possibility of escape. The Court ordered that Zamora was not to be let out of the hospital without escort which seemed reasonable though difficult to take. Never would I have imagined that such a violent offender –handed a life sentence without the possibility of parole – would be considered for release.

Mental illness is a disease, but it does not excuse the crime. This man has killed violently and indiscriminately - in a way that is difficult to comprehend with the passage of time - six people and injured four others. I live every day remembering how he MURDERED my cousin, someone who was there to help him, someone who had been there the day before to help him. He not only shot her once, but then used her own weapon to shoot her in the head, what I would consider an assassination. It's hard to even think about what he did to the other victims. The fact that the State of Washington would even consider letting a person like this out on the streets again is unfathomable and clearly heart wrenching to every family involved. So not only do we get to relive over and over daily a horrible nightmare, we get the live the possibility of this man being free on the streets. I understand he's taken care of by the State and therefore has his medication monitored and administered regularly. What happens when he's back on the streets? Who's going to regulate the medication then? And it's already been proven that he's had one very psychotic episode. What happens the next time he decides he's well enough to discontinue his medication? Who's responsibility will it be the next time? Go ahead and release low level offenders, but please, please don't release Mr. Zamora.

State v. Isaac Zamora

It is my understanding that a recent lawsuit, Colvin vs Inslee, has the potential to release a majority of the inmates in Monroe's state prison. My husband, David Radcliffe, was brutally murdered by one of those prisoners.

He should never be released!

Isaac Zamora took the lives of 6 innocent people on Sept 8, 2008. He literally rampaged through a rural neighborhood killing anyone he encountered.

It was one thing to grieve the loss of my best friend & partner of 21 years. But, to know how he was ruthlessly killed & mutilated, that's not something anyone ever "gets over".

Every few months since David's murder, reports of another mass murder send my mind reeling. A band aid ripped off the scab. Simply knowing there is even a small chance he would be released, defies all logic. I have never received a formal diagnosis for PTSD. What I do know, is that my soul will be forever damaged by Zamora's barbaric actions. It's just not something you forget.

Just hearing there is even a possibility of his release, makes me question our Judicial institutions.

Pamela Radcliffe

Skagit County cause Number 08-1-00704-8

I Tonya Fenton, am a victim of a crime committed by Isaac L. Zamora and I request the court take into account how his crimes of murdering my Mother/Grandmother to my children(Julie Binschus) and shooting my Dad (Fred Binschus) have impacted me then (September 2, 2008) and Now and Always.

This man has ruined my life, he took away my best friend and Mom. It breaks my heart every day to not be able to share with her all my milestones, feelings, my daughter's experiences and just everyday life things. My 3 daughters now have had to go through life not having the most loving, kind , gentle, most beautiful Grandma there ever was. It breaks my heart.

My life will never be the same, I will always have heart ache, and that void in my life all because this crazy guy took her from us for no reason.

Now if there's a chance he could be released, my whole family will live in fear. And be in fear always during everyday life, he went to my Mom and Dad's home and murdered her and shot my Dad , what makes you think he won't come to our homes ?

Just because they think he is better mentally, doesn't mean he won't do it again. Who would be there to make sure he stayed on his mental medication? If he was released who's to say he wouldn't come back after us or my Dad or all the other families involved.

So no he should never be released, we went through all of this years ago and got him the life sentence that alone took years out of my life and my families. So how dare they do this to the victims all over again?

Tonya Fenton

# VICTIM IMPACT STATEMENT

State of Washington vs. ISAAC L. ZAMORA  
Snohomish County Case No. 08-J-00174-8  
(Co-Defendant)

According to Washington State law, you have the right to inform the court of the impact this crime has had on your life. Crime affects everyone in a different way. Additionally, many people have varying desires for punishment for the defendant. A Victim Impact Statement (VIS) is your chance to tell the judge in your case how the crime has affected you and what you think should happen to the defendant. If you don't feel comfortable with this form, please feel free to use whatever format best suits your needs.

## Alternative Victim Impact Statement

- 1. I am a victim of a crime committed by the defendant(s) in this case and request the Court take into account the following information:
- 2. I am the victim of a crime committed by the defendant(s) in this case and request the Court take into account the following information:
- 3. I am the victim of a crime committed by the defendant(s) in this case and request the Court take into account the following information:

### My Perception of how the Crime was committed:

Isaac Zamora had been into trouble with the law, arrested dozens & dozens of times and was to be monitored by the state. They failed to do so, during that week he was stealing & stockpiling weapons. The day before the tragedy Isaac was caught trespassing on our neighbors property and said, he would kill everyone in this neighborhood. The next day he did what he said he was going to do leaving both my parents shot. My Mom died that day along with my Dad badly wounded, & multiple others killed including Deputy Ann Jackson.

### The impact that this crime has had on me:

Nothing can compare to the pain and sorrow I have felt from this life altering nightmare. My whole life changed that day. Isaac took from me my Mom, best friend, grandma to my kids who never got the chance to meet her. She was the nicest woman anyone has ever met. Never did she say a negative thing about anyone. She was truly an Angel here on Earth. I live my whole life differently because of this tragedy. I have anxiety, sadness, anger, crying meltdowns when I stop and think of her. God I miss her more than anything. I'm crying now just writing this. My heart is forever shattered from this man making such a senseless crime on my family.

### In my opinion the sentencing court should:

Not even consider releasing Isaac to the public under any circumstance. He is plain and simple a crazy man who knew exactly what he was doing that day he made thoughts horrible life changing actions upon our family and others. So many families were broken after that day. He wasn't able to withstand Western Hospital and was sentenced to life in prison and that is where he better stay cause he is more than capable of committing murder again. He is a threat to society, an extremely dangerous man who shall never walk free.

*Trisha L. Woods*

Trisha L. Woods

**Subject: Zamora**

I Fred Binschus, am a Surviving Victim of the violent acts that Issac L. Zamora committed on September 2, 2008 , he murdered my amazing lovely wife (Julie Ann Binschus) and shot me two times, and left me for dead . He also brutally murdered six others that day including Deputy Ann Jackson, and tried to kill many others . Issac Zamora also had been arrested over 50 times with 6 Felonies. He should have already been put away for life, before 6 lives were taken away including my beautiful wife of 28 years

My perception of how this all took place is for one, I had no clue who Issac Zamora was. What I know he was a small time thief, drug addict, and always in trouble by the law. He was supposed to be on mental medication , and he was supposed to be being monitored. Even his mother and family was scared of him. This tragic event that took place started the day before, he got into it, with the neighbor and he told his Mom he was going to kill all the neighbors . Ann Jackson the deputy was informed about it . The next day he robbed neighbors , stole their guns and went on his killing spree.

The impact this crime has had on me is that I feel alone and lost, Julie was the Love of my life and treated me better than a king . I'm emotionally damaged forever and deal with pain everyday . Not only am I Emotionally affected but I have physical damage. Everyday day I see the scars and I feel the bone fragments and bullet fragments within my body, it's a constant reminder of this tragedy I went through . I'm haunted by the Gun shots and screams of my wife being murdered, and me laying there dying from the gun shots and feeling helpless not being able to help her.

Julie was the one who kept my family together, on holidays , birthdays, etc..... She was kind, gentle, the hardest worker ever , always had a smile on her face and would do anything for anyone . She made everyone feel like family and never said a bad word or talked negative about anyone. She was a giver, not a taker. She didn't care about material things, only the love for her family and friends . She was an amazing cook , baker and was so crafty . She was the best Mom and Grandmother in the World . Her and I were never apart, we did everything together . Now I do not have a shadow , she's gone forever.

In my opinion the sentencing court should keep him locked up forever because that was the deal the court already made with us. That's why we didn't have a trial . He had told people if he was ever to get out , he would finish the job and kill the rest of us . His parents are still my neighbors so I would fear for my life and my families .

Fred Binschus

**Subject: Zamora**

Gordon Winblad, Greg Gillum's father, called in to say that Zamora should have received the death penalty and should not be released. He is a mass murderer and should never walk the streets again.

RE: ISAAC ZAMORA  
VICTIM IMPACT STATEMENT OF JOANN KENNEDY  
MOTHER OF RYAN AND MEGAN GILLUM, CHILDREN OF GREG GILLUM

When I received a call late today asking if I could write another Victim Impact Statement regarding Isaac Zamora I was immediately panicked and confused. The fact that he could possibly be released under the lawsuit filed by inmates to be released due to COVID19 leaves me at a loss for words. The impact of COVID19 is devastating, but to think that the person who killed the father of my children could go free because of it is something that never, ever crossed my mind.

When you are asked to write one of these statements, they tell you to write about how the loss of your loved one has impacted your life and those of your children you have to relive the whole thing all over again. When I wrote my impact statement when Zamora was sentenced it told of Ryan Gillum, who was 16, and Megan Gillum, who was 12, when their Dad, Greg Gillum was stripped from their lives. That on September 2, 2008, the day their dad was brutally murdered, it was Megan's first day in middle school as a 6<sup>th</sup> grader. She would never get the opportunity to share that milestone with him nor all the others that were still to come. Ryan got his driver's license and it was the first of many milestones he would also not have the opportunity to share with his dad.

When I wrote my first impact statement I spoke of how my children were punishing me for what happened to their dad. This took a huge toll on me. I spent many years living with guilt. If I would have never divorced their dad, if I would have told him not to move to WA, if, if, if. I spent many years myself in counseling. I suffered so much with the guilt that when the kids beat me up about it, I really felt that I deserved it. Greg and I were no longer married, but we were still very close and co-parented our children amazingly. I cared very much for him and miss him so much today. I find it hard at times to believe that he is really gone.

I was one of the unfortunate people that read over the police report. It has taken me many years to not cry every time I thought about Greg and how he died. I will forever be devastated and broken to know that he suffered immensely. Greg was a very loving person and to know that someone intentionally caused him so much pain and suffering in his last moments alive is heartbreaking to me.

Ryan and Megan are now 26 and 22. Ryan and Megan have both suffered in different ways. Ryan internalized his anger and was the quiet one until he had major blowups at people. Ryan's anger was his only emotion. He had nightmares about what happened to his dad. He struggled with maintaining friends. He graduated high school but would not be able to go on to college due to his PTSD. He was well advanced in math and made honor roll every year, but was not able to maintain at a college level. Ryan struggles with security issues. He is fearful due to how his dad died and is extremely cautious and overprotective. Ryan is now married and slowly finding his way through life.

Megan on the other hand was not keeping anything pent up inside of her. She was mad at the world and she was going to make sure everyone in the world knew it. Sadly, I was always the person standing between her and the world so if she wasn't hurting herself, she was hurting me for trying to stop her from herself or the world. What was to be the hell of our lives was only just beginning that first day of 6<sup>th</sup> grade. I can go on and on about how devastated our lives have been. I can share things like Megan's suicide threats, violent outbursts, and many visits to the emergency room praying for her to wake up from an overdose or alcohol poisoning. Calls to the police to have her 5150 to keep from harming herself. She didn't care what happened to her for much of these 12 years since losing her Dad. She had her issues with the system, but fortunately saw it was

not how she wanted to live her life. It has taken pretty much up to this year, 2020 for Megan to stop punishing herself, me and the world.

I don't like to complain about how hard it was raising two children who don't have a father because someone he didn't know horrifically took his life. It feels selfish to do that. Greg loved his kids and the one fear him and I shared was not being around to see our children grow up. I live with that being Greg's reality every day. I can't believe I will never hear his voice again. I will never hear his laugh again. I will never hear a story about one of his many pranks. I loved Greg as anyone who knew him did. He was the most caring person you would ever meet. He would take his shirt off his back for a stranger even if he needed it just as much as they did. Life will not be the same without him in it. Life on this earth raising Ryan and Megan through their tragedy of losing their dad and their heartache has been tough to say the least, but not as tough as it has been being on this earth without Greg.

To ask how your life has been impacted when a loved one is so violently ripped from it, is not hard to answer. The hardest part of all of this is living life always wondering what life would have been like if the tragedy of September 2, 2008 had never happened.

I understand COVID19 is a serious enemy in our world today, but we are trying everything we can to stop it. On September 2, 2008 Isaac Zamora was an enemy to many people and it was decided what his punishment was for that crime. To now decide that he should be released because he is at risk of COVID19 is allowing that chance that people that do not become COVID19's victim are at risk of becoming Isaac Zamora's victims.

Respectfully submitted,

JoAnn Kennedy

**Subject:** Inmate release - Zamora

My name is Nicholas Lange, I am a victim of Isaac Zamora. Isaac killed my innocent father while my father was driving down interstate 5. My children have never been able to meet their Grandfather because of this monsters actions. I am questioned often by them on what grandpa was like and what happened to him. They are 6 and 10 years old. It is hard to tell them that somebody took a gun and killed their grandpa in cold blood murder with no apparent remorse. My life has changed in many negative ways as a result of Zamoras killing. I am very upset with the thought of him being released from prison on a technicality of Covid 19.

This man murdered 6 people and should never see the streets again. And I MEAN PERIOD!!!!

Your Honor:

On Sept 2, 2008 Isaac Zamora willfully murdered 6 people and injured 2. My husband LeRoy Lange was number 6th. Zamora did this without remorse and enjoyed every squeeze of the trigger. Probably smiling as he murdered them in cold blood.

I think of my husband and miss him everyday. I especially miss his laughter and hugs. He was a wonderful husband and father. We would have celebrated our 52nd wedding anniversary this month. Zamora took all of that away from me, my son, my daughter in-law and the two wonderful grandchildren LeRoy will never get to see, hold or love.

There is no question that Zamora should remain in prison for the rest of his life without parole. He can never be trusted outside of the prison walls. He is a monster, and he needs to stay where monsters live.

Respectfully Submitted:

Carla Lange widow

Carla Lange

**Subject: Zamora**

I received a call from Andrea Rose, daughter of Chester Rose. She said that she cannot write a statement. She is stressed out with everything going on in the world and this is just adding more stress to her life.

**Subject:** Re: Zamora

Hi my name is Stacy Rose. I am the daughter of Chester Rose. I grew up with Issac Zamora in our small rural community as children he was at my birthday parties. I did not know him as an adult, but he has been the single most influential person in my adult life. I lost my father, my son's grandfather, my family home that my father built and I live in fear that one day he will be released and will hurt again or that writing this letter , he will seek revenge on me and come find my son and me. I have heard that there are potentially prisoners being released from prisons around the state due to fears of Corona virus spreading in the prisons. This opened a fear in me that because of Zamora's classification as a mental health patient rather than as a typical prisoner who killed multiple people, that somehow he might also be released. In this time of high anxiety to release someone capable of senseless killing, as far as I know without any remorse would increase my fear and anxiety as well as my family's who live in fear that one day he will be free to destroy more lives. Even if his freedom became more important than my family's fear, where would he go? To his family's home into a close knit community that he tore apart with violence, blood, and murder? This would destroy the fragile safety net that they have been building in the last 11 years. The community is too rural and Zamora has proven in the past the parole team and county sheriffs do not have adequate means to support releasing him to the community and monitoring his activities. Please do not release him.

Regards,  
StacyRose

**Subject: Re: Zamora**

I should like to take this opportunity to describe the consequences of Zamora's assault on me over eleven years ago. I have been diagnosed with PTSD. My symptoms include chronic insomnia, a dependence on antidepressant medication and a significant discomfort when home by myself. The recent quarantine has been extremely difficult. Home every day with nowhere to go. Please consider the effects of Zamora's actions on all his victims. How can the court assure us that He won't commit these offenses again?

Respectfully, Richard Treston

**Subject:** Re: State v. Zamora

To whom it may concern -

My name is Ben Mercado and I am a victim of the Issac Zamora shooting . I was shot in my right arm thru the center of my bicep and the bullet exited thru the center of my tricep . I am right handed and I am a construction worker with a physically demanding job . This injury has left me with daily pain and cramping in my arm . I do not think that Issac or any other MURDERERS or dangerous criminals should be released from prison because of a virus or any other reason .

Thank you, Ben Mercado ..

# WASHINGTON ASSOC OF PROSECUTING ATTY

April 16, 2020 - 3:53 PM

## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 98317-8  
**Appellate Court Case Title:** Shyanne Colvin et al. v. Jay Inslee et al.

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**Comments:**

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