

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

In re Personal Restraint )  
Petition of )  
)  
)  
)  
)  
)  
)  
MUSE ALI MOHAMUD, )  
Petitioner. )  
\_\_\_\_\_ )

No. 63352-0-I

STATE'S RESPONSE TO  
PERSONAL RESTRAINT  
PETITION

A. AUTHORITY FOR RESTRAINT OF PETITIONER

Muse Ali Mohamud is restrained pursuant to King County  
Superior Court Judgment and Sentence, 08-1-05783-2 SEA.

Appendix A.

B. ISSUE PRESENTED

1. Did the trial court violate Mohamud's CrR 3.3 rights continuing the trial for good cause?
2. Did Mohamud's trial counsel provide ineffective assistance by not impeaching the victim on a particular issue?

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COURT OF APPEALS DIV. #1  
STATE OF WASHINGTON  
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C. STATEMENT OF THE CASE

The State charged Petitioner Muse Mohamud by amended information with First Degree Kidnapping, Second Degree Assault, Felony Harassment, and Unlawful Imprisonment.<sup>1</sup> Appendix B.

The trial was scheduled for December 10, 2008, with an expiration date of December 19, 2008.<sup>2</sup> Appendix C. At the omnibus hearing on December 5, 2008, the State moved to continue the trial. Id. Mohamud did not agree to this continuance. Id. The court addressed: that of the two police officers responding to the scene of the crime one was in Iraq and the other was unavailable because of a medical procedure from December 11<sup>th</sup> to 19<sup>th</sup>; that the prosecutor was on a pre-scheduled vacation from December 19<sup>th</sup> to 31<sup>st</sup>; that a defense witness was out of the country until early February 2009; and that both parties still needed to interview these witnesses. Id. The Court found that for these reasons a trial continuance until January 31, 2009, was in the interest of justice, thus resetting the expiration date to March 1, 2009. Id.

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<sup>1</sup> These are the full charges Mohamud faced at trial following amendment of the information.

<sup>2</sup> This scheduled trial date was set after prior continuances that are not at issue in this PRP.

COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
HOUSTON, TEXAS

Trial began on February 5, 2009<sup>3</sup>, and the jury ultimately convicted Mohamud of all counts except the Felony Harassment. He was sentenced and appealed his conviction. Appendix A. This Court is currently reviewing his direct appeal, which has been consolidated with this PRP.

D. ARGUMENT

1. MOHAMUD HAS FAILED TO ESTABLISH THAT HIS CrR 3.3 RIGHTS WERE VIOLATED.

Mohamud argues that his CrR 3.3 rights were violated when the court continued the trial past his original trial expiration date. He argues that it was unreasonable to continue the trial for a police officer who was in Iraq. But Mohamud neglects to mention that the trial court continued the trial for other valid reasons, each of which make the continuance proper, including the need to facilitate the testimony of Mohamud's own witness, who was out of the country. Because the trial court appropriately continued the case in the interest of justice -- and then began the trial before the new expiration date -- Mohamud's rights were not violated.

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<sup>3</sup> The trial date was held over a few days for courtroom unavailability, but the court did not continue the trial or extend the expiration date. Appendix C.

"The trial court is responsible for assuring a speedy trial under CrR 3.3." State v. Ralph Vernon G., 90 Wn. App. 16, 20, 950 P.2d 971 (1998) (citing State v. Carson, 128 Wn.2d 805, 912 P.2d 1016 (1996)). A defendant who is detained in jail must be brought to trial within 60 days of the commencement date unless time is excluded or extended by law. CrR 3.3(b)(1)(i). The initial commencement date is the date of arraignment. CrR 3.3(c)(1).

Motions to extend the time to trial should be granted when "required in the administration of justice and the defendant will not be prejudiced in the presentation of his or her defense." CrR 3.3(f)(2). Generally, a motion to continue the trial must be made before the time for trial has expired, and the court must state on the record or in writing the reasons for the continuance. CrR 3.3(f)(2). Reasonable witness unavailability is a valid basis for granting a continuance. State v. Nguyen, 68 Wn. App. 906, 914, 847 P.2d 936 (1993). A prosecutor's scheduled vacation provides a valid basis, as well. State v. Torres, 111 Wn. App. 323, 331, 44 P.3d 903 (2002). Ultimately, the question before the court is was the reasonable continuance valid and was the defendant substantially prejudiced by the continuance. Nguyen, 68 Wn. App. at 914. A decision by the trial court to grant or deny a CrR 3.3 motion for

continuance “will not be disturbed absent a showing of a manifest abuse of discretion.” State v. Williams, 104 Wn.App. 516, 520-21, 17 P.3d 648 (2001).

Here, the trial court granted the motion for a continuance based on state and defense witness unavailability and the prosecutor's preplanned vacation. Petitioner's Appendix C. These were valid bases from which to grant a continuance. The State's unavailable witness and the prosecutor's planned vacation necessitated only a two week continuance. It was because of Mohamud's unavailable witness who was out of the country that the trial had to be continued an extra month. Id. Indeed, while Mohamud personally objected to the continuance, his attorney explained that the presence of this witness would help Mohamud's case. Id. The State's motion for a continuance was in essence a joint request -- the State needing a two week continuance until the end of December and Mohamud's counsel needing a continuance through the end of January. Given the unavailability of witnesses, both parties also needed this continuance to interview these unavailable witnesses.

The trial court's decision to grant the two-week continuance to allow for the police officer to undergo a medical procedure and

for the prosecutor's preplanned vacation was proper. The trial court properly continued the trial for Mohamud's unavailable witness, as well.

Moreover, Mohamud suffered no prejudice from this continuance. Indeed, the continuance was granted so his witness could be available. There can be prejudice when the continuance results in a defense witness no longer being available, not when the continuance makes the witness available. See State v. Iniguez, 167 Wn.2d 273, 287, 217 P.3d 768 (2009). As such, the trial court did not abuse its discretion in granting the continuance.

Mohamud argues that the trial court should not have considered that one of the officers (who did not testify) was unavailable in Iraq. But whether or not the officer actually testified or a new prosecutor was later assigned to the case is immaterial to whether the trial court abused its discretion at the time of the continuance. Moreover, Mohamud ignores the multiple other bases the court relied on in finding good cause to grant the continuance. See supra. Each valid basis individually provides good cause to continue the trial. Most importantly, Mohamud needed the continuance to have his own witness testify. Mohamud cannot

show prejudice under such circumstances. As such, Mohamud's CrR 3.3 rights were not violated.

2. MOHAMUD HAS FAILED TO ESTABLISH  
INEFFECTIVE ASSISTANCE OF COUNSEL.

Mohamud alleges that he was denied effective assistance of counsel, when his trial counsel failed to impeach the victim with a statement given to a victim advocate. Because Mohamud cannot show actual prejudice or that his counsel was deficient, his claim of ineffective assistance of counsel should be rejected.

A criminal defendant has a constitutional right to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668, 686, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). The benchmark for judging a claim of ineffective assistance of counsel is whether counsel's conduct "so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Strickland, 466 U.S. at 686.

The petitioner has the burden of establishing ineffective assistance of counsel. Strickland, 466 U.S. at 687. To prevail on a claim of ineffective assistance of counsel the defendant must meet both prongs of a two-part standard: (1) counsel's representation was deficient, meaning it fell below an objective standard of

reasonableness based on consideration of all the circumstances (the performance prong); and (2) the defendant was prejudiced, meaning there is a reasonable probability that the result of the proceeding would have been different (the prejudice prong). Strickland, 466 U.S. at 687; State v. McFarland, 127 Wn.2d 322, 334-35, 899 P.2d 1251 (1995). If the court decides that either prong has not been met, it need not address the other prong. State v. Garcia, 57 Wn. App. 927, 932, 791 P.2d 244 (1990).

The inquiry in determining whether counsel's performance was constitutionally deficient is whether counsel's assistance was reasonable considering all the circumstances. Strickland, 466 U.S. at 688. Judicial scrutiny of counsel's performance must be highly deferential. Strickland, 466 U.S. at 689. The United States Supreme Court has warned that, "[i]t is all too tempting for a defendant to second-guess counsel's assistance after conviction or adverse sentence, and it is all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable." Strickland, 466 U.S. at 689. Therefore, every effort should be made to "eliminate the distorting effects of hindsight," and judge counsel's performance from counsel's perspective at the time. Strickland, 466 U.S. at 689.

In judging the performance of trial counsel, courts must engage in a strong presumption of competence. Strickland, 466 U.S. at 689. This presumption of competence includes a presumption that challenged actions were the result of reasonable trial strategy. Strickland, 466 U.S. at 689-90. Legitimate trial strategy or tactics cannot be the basis of a claim of ineffective assistance of counsel. State v. Garrett, 124 Wn.2d 504, 520, 881 P.2d 185 (1994). Courts should recognize that, in any given case, effective assistance of counsel could be provided in countless ways, with many different tactics and strategic choices. Strickland, 466 U.S. at 689. Counsel is not required to conduct an exhaustive investigation or to call all possible witnesses. In re Benn, 134 Wn.2d 868, 900, 952 P.2d 116 (1998). Generally, a decision to call or not call specific witnesses is strategic. See State v. Allen, 57 Wn. App. 134, 140-41, 787 P.2d 566 (1990); State v. Sardinia, 42 Wn. App. 533, 539, 713 P.2d 122 (1986).

In addition to overcoming the strong presumption of competence and showing deficient performance, the petitioner must affirmatively show prejudice. Strickland, 466 U.S. at 693. Prejudice is not established by a showing that an error by counsel had some conceivable effect on the outcome of the proceeding. Strickland, 466

U.S. at 693. If the standard were so low, virtually any act or omission would meet the test. Strickland, 466 U.S. at 693. Petitioner must establish a reasonable probability that, but for counsel's errors, the result of the proceeding would have been different. Strickland, 466 U.S. at 694.

Mohamud argues that his counsel failed to impeach the victim with a statement she gave to a human trafficking advocate. At the time of the statement, police were concerned that the victim was trafficked into the country. Appendix E. The victim said to the advocate that during the assault the victim was duct-taped in Tukwila. Id. Mohamud claims that the victim never testified to this fact, and this advocate was never called by either party to testify at trial. Because defense counsel impeached the victim with other statements and it was reasonable not to raise this issue, trial counsel was not deficient.

Mohamud's counsel chose multiple avenues by which to impeach the victim. Trial counsel impeached the victim with statements she made to two different social workers. 5RP<sup>4</sup> 244, 248, 260. Counsel used a stipulation to show inconsistent

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<sup>4</sup> Since this PRP has been consolidated with Mohamud's direct appeal, the citations to the record will follow that provided to the court in the Verbatim Report of Proceedings and as organized in the State's response to Mohamud's appeal.

statements made by the victim about the incident to paramedics.

5RP 303-04. Mohamud's attorney even called other witnesses to impeach the victim's statements. 5RP 269, 275, 290. Counsel effectively impeached the victim.

Mohamud has not shown that his trial counsel's omission of the "duct-tape" impeachment was not tactical. The affidavit provided by Mohamud's attorney states what is already known from the record -- that counsel did not question the victim about this statement to the advocate. Petitioner's Appendix I. Mohamud does not give evidence to show why it was not asked -- or that it was not intentional. Since the advocate did not testify at trial, counsel had various reasons not to raise the fact that police were concerned that the victim had been trafficked to the country. Moreover, without the advocate testifying in the trial, the impeachment process would be much more difficult. Since the statement was apparently said from the bilingual victim to the advocate to police, there could be confusion in the recitation of the statement. Also, proceeding down this impeachment path might open the door to testimony damaging to Mohamud's case regarding the initial concerns that the victim was a human trafficking victim.

Counsel instead opted to impeach the victim through statements she made to others who could more reliably participate in the impeachment process. Mohamud has provided insufficient evidence to counter the presumption of competence by his counsel. As such, this representation was reasonable, and not deficient.

Moreover, Mohamud cannot show prejudice. The trial result would be no different had his counsel impeached the victim with this "duct-tape" statement. In closing, counsel relied on a range of inconsistencies by the victim through other impeachment to challenge her credibility. 6RP 333-35, 339-40, 343-44, 347, 353-54, 357, 362-65. One more inconsistent statement would do little to sway a jury that would be relying on a wide range of evidence -- testimony from those who heard the assault at the apartment, testimony from police who walked in on the assault, and physical evidence documenting the abuse. Trial counsel's attempt to impeach the victim on this particular issue would not change the outcome of this case. As such, Mohamud's claim of ineffective assistance of counsel fails.

E. CONCLUSION

For all of the forgoing reasons, Mohamud's petition should be dismissed.

DATED this 20<sup>th</sup> day of August, 2010.

Respectfully Submitted,

DAN SATTERBERG  
King County Prosecuting Attorney

by   
Michael Pellicciotti, #35554  
Deputy Prosecuting Attorney  
Attorneys for Respondent

W554 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104  
(206) 296-9650

# APPENDIX A



FILED  
2009 APR 14 PM 3:19  
KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA

SENTENCING STATEMENT & INFORMATION ATTACHED

WARRANT OF TRANSFER ISSUED ~~APR 14~~ 2009

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,	)	
	)	
	)	No. 08-1-05783-2-SEA
Plaintiff,	)	
	)	
Vs.	)	JUDGMENT AND SENTENCE
	)	FELONY (FJS)
MUSE ALI MOHAMUD	)	
	)	
Defendant,	)	

I. HEARING

I.1 The defendant, the defendant's lawyer, PETER T. GEISNESS, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: Det. Jeffrey Spong

II. FINDINGS

There being no reason why judgment should not be pronounced, the court finds:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on 02/13/09 by jury verdict of:

Count No.: II Crime: ASSAULT IN THE SECOND DEGREE  
 RCW 9A.36.021(1)(g) Crime Code: 00393  
 Date of Crime: 07/23/08 TO 07/24/2008 Incident No. \_\_\_\_\_

Count No.: III Crime: KIDNAPPING IN THE FIRST DEGREE  
 RCW 9A.40.020(1)(c) Crime Code: 00612  
 Date of Crime: 07/23/2008 TO 07/24/2008 Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
 RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
 Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
 RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
 Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

[ ] Additional current offenses are attached in Appendix A

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

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

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

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

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

**2.4 SENTENCING DATA:**

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count II	2	VI	12+ TO 14		12+ TO 14 MONTHS	10 YEARS AND/OR \$20,000
Count III	2	X	62 TO 82		62 TO 82 MONTHS	LIFE AND/OR \$50,000
Count						
Count						

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

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

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

**III. JUDGMENT**

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

The Court ~~DISMISSES~~ Count(s) IV: UNLAWFUL IMPRISONMENT  
*vacates and dismisses*

## IV. ORDER

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

## 4.1 RESTITUTION AND VICTIM ASSESSMENT:

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

Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

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

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

- 4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 600 + Restitution. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms:  Not less than \$ \_\_\_\_\_ per month;  On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. **The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations: for crimes committed before 7/1/2000, for up to ten years from the date of sentence or release from total confinement, whichever is later; for crimes committed on or after 7/1/2000, until the obligation is completely satisfied.** Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.  
 Court Clerk's trust fees are waived.  
 Interest is waived except with respect to restitution.

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

14 months/~~days~~ on count 2; \_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/day on count \_\_\_\_\_  
72 months/~~days~~ on count 3; \_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/day on count \_\_\_\_\_

The above terms for counts \_\_\_\_\_ are consecutive / concurrent.

The above terms shall run  CONSECUTIVE  CONCURRENT to cause No.(s) \_\_\_\_\_

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

In addition to the above term(s) the court imposes the following mandatory terms of confinement for any special WEAPON finding(s) in section 2.1: \_\_\_\_\_

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 72 months.

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

4.5 NO CONTACT: For the maximum term of Life years, defendant shall have no contact with Khadra Jama

4.6 DNA TESTING. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing, as ordered in APPENDIX G.  
 HIV TESTING: For sex offense, prostitution offense, drug offense associated with the use of hypodermic needles, the defendant shall submit to HIV testing as ordered in APPENDIX G.

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

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

- (c)  **COMMUNITY CUSTODY** - pursuant to RCW 9.94A.715 for qualifying crimes committed after 6-30-2000 is ordered for the following established range:
  - Sex Offense, RCW 9.94A.030(38) - 36 to 48 months—when not sentenced under RCW 9.94A.712
  - Serious Violent Offense, RCW 9.94A.030(37) - 24 to 48 months
  - Violent Offense, RCW 9.94A.030(45) - 18 to 36 months
  - Crime Against Person, RCW 9.94A.411 - 9 to 18 months
  - Felony Violation of RCW 69.50/52 - 9 to 12 months

or for the entire period of earned early release awarded under RCW 9.94A.728, whichever is longer. Sanctions and punishments for non-compliance will be imposed by the Department of Corrections pursuant to RCW 9.94A.737.

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

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

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

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

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

Date: 4/3/09

*Mit*  
 JUDGE  
 Print Name: Fox

Presented by:  
*William J. Doyle*  
 Deputy Prosecuting Attorney, WSBA# 30687  
 Print Name: William Doyle

Approved as to form:  
*Peter Juarez* 30897  
 Attorney for Defendant, WSBA #  
 Print Name: Peter Juarez

FINGERPRINTS



BEST AVAILABLE IMAGE POSSIBLE

RIGHT HAND  
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE: Mohamad, Muse  
DEFENDANT'S ADDRESS: King County Jail

MUSE ALI MOHAMUD

DATED: 4/3/09  
[Signature]  
JUDGE, KING COUNTY SUPERIOR COURT

ATTESTED BY: BARBARA MINER,  
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.  
DOB: JANUARY 1, 1984  
SEX: M  
RACE: B

\_\_\_\_\_  
CLERK

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

**SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

STATE OF WASHINGTON,

Plaintiff,

vs.

MUSE ALI MOHAMUD

Defendant,

No. 08-1-05783-2-SEA

APPENDIX G  
ORDER FOR BIOLOGICAL TESTING  
AND COUNSELING

**(1) DNA IDENTIFICATION (RCW 43.43.754):**

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

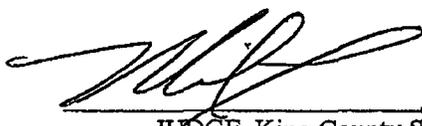
**(2)  HIV TESTING AND COUNSELING (RCW 70.24.340):**

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

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

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

Date: 4/9/09

  
\_\_\_\_\_  
JUDGE, King County Superior Court

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,	)	
	)	
	)	Plaintiff,
	)	
vs.	)	No. 08-1-05783-2-SEA
	)	
	)	JUDGMENT AND SENTENCE
	)	APPENDIX H
MUSE ALI MOHAMUD	)	COMMUNITY PLACEMENT OR
	)	COMMUNITY CUSTODY
	)	
Defendant,	)	

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

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

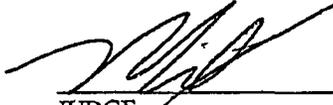
OTHER SPECIAL CONDITIONS:

- The defendant shall not consume any alcohol.
- Defendant shall have no contact with: Khadra Jama
- 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: OBTAIN alcohol evaluation & follow all treatment recommendations
- The defendant shall comply with the following crime-related prohibitions:
- 

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

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

Date. 4/9/09

  
 \_\_\_\_\_  
 JUDGE  
 JUDGE MICHAEL FOX

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, )  
 Plaintiff, )  
 )  
 ) No. 08-1-05783-2 SEA  
 )  
 ) APPENDIX J  
 ) JUDGMENT AND SENTENCE  
 MUSE ALI MOHAMUD vs. )  
 )  
 ) SEX/ KIDNAPPING OFFENDER NOTICE OF  
 )  
 ) REGISTRATION REQUIREMENTS  
 Defendant, )

**SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200. You are required to register your complete residential address with the sheriff of the county where you reside, because you have been convicted of one of the following sex or kidnapping offenses: *Rape 1, 2, or 3; Rape of a Child 1, 2, or 3; Child Molestation 1, 2 or 3; Sexual Misconduct With A Minor 1 or 2; Indecent Liberties; Incest 1 or 2; Voyeurism; Kidnapping 1 or 2 (if victim is a minor and offender is not the minor's parent); Unlawful Imprisonment (if victim is a minor and offender is not the minor's parent); Sexual Exploitation of a Minor; Custodial Sexual Misconduct 1; Criminal Trespass against Children; Dealing in Depictions of a Minor Engaged in Sexually Explicit Conduct; Sending, Bringing Into State Depictions of a Minor Engaged in Sexually Explicit Conduct; Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct; Communication with a Minor for Immoral Purposes; Patronizing a Juvenile Prostitute; Failure to Register as a Sex Offender; any gross misdemeanor that is under RCW 9A.28, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or RCW 9A.44.130 or a kidnapping offense under 9A.44.130; or any felony with a finding of sexual motivation (RCW 9.94A.835 or RCW 13.40.135).*

If you are out of custody, you must register immediately upon being sentenced.

If you are in custody, you must register within 24 hours of your release.

If you change your residence within a county, you must send signed written notice of your change of residence to the county sheriff within 72 hours of moving.

If you change your residence to a new county within this state, you must send signed written notice of your change of residence to the sheriff of the county of your new residence at least 14 days before moving and register with the county sheriff of your new residence within 24 hours of moving. In addition, you must give signed written notice of your change of address to the sheriff of the county where you last registered within 10 days of moving.

If you plan to attend a public or private school or institution of higher education in Washington, you are required to notify the county sheriff for the county of your residence within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier. If you are currently attending a public or private school or institution of higher education in Washington, you must notify the county sheriff, for the county where the school is located, immediately.

If you lack a fixed residence, you are required to register as homeless. You must also report in person to the sheriff of the county where you registered on a weekly basis. If you are under DOC supervision and lack a fixed residence, you must register in the county where you are being supervised. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county within 24 hours.

If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within 3 business days after returning to this state or within 24 hours if you are under the jurisdiction of the state department of corrections, the indeterminate sentence review board or the department of social and health services.

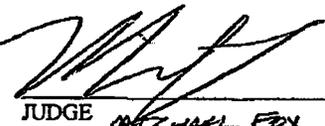
If you move to a new state, you must register with the new state within 10 days after establishing residence. You must also send written notice, within 10 days of moving to the new state, to the county sheriff with whom you last registered in Washington State.

If you are not a resident of Washington, but attend school, are employed, or carry on a vocation in the State of Washington, you must register with the county sheriff for the county where your school, place of employment, or vocation is located.

If you are ranked as a Level II or Level III offender (even if you have a fixed residence), you must report, in person, every ninety days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours.

The King County Sheriff's Office sex offender registration desk is located on the first floor of the King County Courthouse- 516 3<sup>rd</sup> Avenue, Seattle, WA. Failure to comply with registration requirements is a criminal offense.

Copy Received:

Mohamud, Muse 04-03-09   
 Defendant Date JUDGE MICHAEL FOX

APPENDIX J Rev. 8/06  
 Distribution:  
 Original/White - Clerk  
 Yellow - Defendant  
 Pink - King County Jail  
 Goldenrod - Prosecutor

# APPENDIX B

ORIGINAL

**FILED**  
KING COUNTY, WASHINGTON

FEB 09 2009

SUPERIOR COURT CLERK  
BY D. COLE MAHER  
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

7	THE STATE OF WASHINGTON,	)
		)
	Plaintiff,	)
8	v.	)
		)
9	MUSE ALI MOHAMUD,	)
		)
10		)
		)
11	Defendant.	)

No. 08-1-05783-2 SEA

AMENDED INFORMATION

COUNT I

I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse MUSE ALI MOHAMUD of the crime of **Felony Harassment**, committed as follows:

That the defendant MUSE ALI MOHAMUD in King County, Washington, during a period of time intervening between July 23, 2008 through July 24, 2008, knowingly and without lawful authority, did threaten to cause bodily injury immediately or in the future to Khadra Jama aka (KJ and RK), by threatening to kill Khadra Jama aka (KJ and RK) and the words or conduct did place said person in reasonable fear that the threat would be carried out;

Contrary to RCW 9A.46.020(1), (2), and against the peace and dignity of the State of Washington.

COUNT II

And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse MUSE ALI MOHAMUD of the crime of **Assault in the Second 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:

AMENDED INFORMATION - 1

Daniel T. Satterberg, Prosecuting Attorney  
W554 King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104  
(206) 296-9000, FAX (206) 296-0955

1 That the defendant MUSE ALI MOHAMUD in King County, Washington, during a  
 2 period of time intervening between July 23, 2008 through July 24, 2008, did assault Khadra Jama  
 aka (KJ and RK) by strangulation;

3 Contrary to RCW 9A.36.021(1)(g), and against the peace and dignity of the State of  
 4 Washington.

5 **COUNT III**

6 And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse MUSE ALI  
 MOHAMUD of the crime of **Kidnapping in the First Degree**, a crime of the same or similar  
 7 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:

8 That the defendant MUSE ALI MOHAMUD in King County, Washington, during a  
 9 period of time intervening between July 23, 2008 through July 24, 2008, with intent to inflict  
 bodily injury on Khadra Jama (AKA KJ and RK), did intentionally abduct such person;

10 Contrary to RCW 9A.40.020(1)(c), and against the peace and dignity of the State of  
 11 Washington.

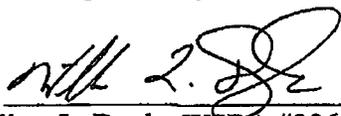
12 **COUNT IV**

13 And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse MUSE ALI  
 MOHAMUD of the crime of **Unlawful Imprisonment**, a crime of the same or similar character  
 14 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  
 15 to separate proof of one charge from proof of the other, committed as follows:

16 That the defendant MUSE ALI MOHAMUD in King County, Washington, during a  
 period of time intervening between July 23, 2008 through July 24, 2008, did knowingly restrain  
 17 Khadra Jama (AKA KJ and RK), a human being;

18 Contrary to RCW 9A.40.040, and against the peace and dignity of the State of  
 19 Washington.

20 DANIEL T. SATTERBERG  
 Prosecuting Attorney

21 By:   
 22 William L. Doyle, WSBA #30687  
 23 Deputy Prosecuting Attorney

AMENDED INFORMATION - 2

Daniel T. Satterberg, Prosecuting Attorney  
 W554 King County Courthouse  
 516 Third Avenue  
 Seattle, Washington 98104  
 (206) 296-9000, FAX (206) 296-0955

# APPENDIX C

FILED  
KING COUNTY, WASHINGTON

SEP 16 2008

SEA  
SUPERIOR COURT CLERK

SUPERIOR COURT OF WASHINGTON, COUNTY OF KING

STATE OF WASHINGTON,  
Plaintiff,

vs.  
Muse Mohamed

Defendant

In custody  Out of custody

No.: 08-1-05783-25ET

SCHEDULING ORDER- TRIAL AND OTHER  
HEARINGS - WAIVER

(ORNT; ORST; WVSPD) (Clerk's Action Required)

The following court dates are set based on a commencement date of 10/6/08

a) Case Scheduling Hearing: 10/6/08 at 1:00 p.m. in courtroom E1201

b) Omnibus Hearing: \_\_\_\_\_ in custody - 8:30 a.m. in courtroom E1201  
Out of custody- 9:30 a. m. in courtroom \_\_\_\_\_

c) Trial date: \_\_\_\_\_ at 9 a.m. Agencies, private attorneys and pro se will receive assignment and standby status by e-mail or telephone by 3:00 p.m. the judicial day prior to the trial date. If no response is received from litigants, the court will presume that the case is ready for trial.

The expiration date is 12-5-08

Plaintiff  Defendant moves to continue case setting hearing because negotiations

DATED this 15th day of Sept, 2008  
[Signature]  
Deputy Prosecutor - WSBA No. 20289

[Signature]  
Attorney for Defendant WSBA No. 31445  
Muse A. Mohamed  
Defendant

Waiver: I understand that I have the right pursuant to Criminal Rule 2.2 to a trial within 60 days of the commencement date if I am in jail on this case, or 90 days of the commencement date if I am not in jail on this case. I am voluntarily and knowingly giving up this right for a specific period of time to allow my attorney to negotiate with the prosecuting attorney and/or to investigate and/or prepare my case. I agree that the new commencement date is 10-6-08 and that the expiration date is 12-5-08. I have read and discussed this waiver with the defendant and believe that the defendant fully understands it.

[Signature]  
Attorney for Defendant

Muse A. Mohamed  
Defendant

I am fluent in the \_\_\_\_\_ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

\_\_\_\_\_  
Interpreter King County, Washington



FILED  
2008 OCT -7 AM 10: 09  
KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA

SUPERIOR COURT OF WASHINGTON, COUNTY OF KING

STATE OF WASHINGTON,

Plaintiff,

*Muse Mohamed*

Defendant

No.: 08-1-05783-2 SEA

SCHEDULING ORDER- TRIAL AND OTHER  
HEARINGS - WAIVER  
(ORST; ORSTD)

The following court dates are set based on a commencement date of 10/20/08

- a) Case Scheduling Hearing: 10/20/08 at 1 p.m in courtroom GA
- b) Plea/Sentencing Date: \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. in courtroom GA
- c) Omnibus Hearing: \_\_\_\_\_ at 8:30 a.m. in courtroom GA
- d) Trial date: \_\_\_\_\_ at 9 a.m.

The expiration date is 12-19-08

**YOU MUST BE PRESENT OR A WARRANT WILL BE ISSUED FOR YOUR ARREST AND YOUR FAILURE TO APPEAR MAY RESULT IN ADDITIONAL CRIMINAL CHARGES BEING FILED.**

DATED this 6<sup>th</sup> day of Oct. 2008

*[Signature]*  
Deputy Prosecutor WSBA No. 2A289

*[Signature]*  
Judge  
Attorney for Defendant WSBA No. 31445

Waiver: I understand that I have the right to a trial within 60 days of the commencement date if I am in jail on this case, or 90 days of the commencement date if I am not in jail on this case. I am voluntarily and knowingly giving up this right for a specific period of time to allow my attorney to negotiate with the prosecuting attorney and/or to investigate and/or prepare my case. I agree that the new commencement date is 10-20-08 and that the expiration date is 12-19-08

[This waiver must be signed if a new case scheduling hearing date is set or if a trial date is set outside the time for trial provisions of CrR 3.3.]

I have read and discussed this waiver with the defendant and believe that the defendant fully understands it.

*[Signature]*  
Attorney for Defendant WSBA No. 32445

*[Signature]*  
Defendant

I am fluent in the Somali language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

*[Signature]*  
King County, Washington  
Interpreter



FILED  
KING COUNTY, WASHINGTON

OCT 22 2008

CRIMINAL PRESIDING

SUPERIOR COURT OF WASHINGTON, COUNTY OF KING

STATE OF WASHINGTON,  
Plaintiff,

vs.

MUSE MOHAMUD

Defendant

In custody       Out of custody

No.: 08-1-05783-256A

SCHEDULING ORDER- TRIAL AND OTHER  
HEARINGS - WAIVER (Seattle - E-1201)  
(ORCNT; ORSTD; WVSPDT) (Clerk's Action Required)

The following court dates are set based on a commencement date of 10-20-08

[ ] a) Case Scheduling Hearing: \_\_\_\_\_ at 1:00 p.m. in courtroom E1201

b) Omnibus Hearing: 11-21-08 in custody - 8:30 a.m. in courtroom E1201  
Out of custody- 9:30 a. m. in courtroom \_\_\_\_\_

c) Trial date: 12-10-08 at 9 a.m. Agencies, private attorneys and pro se will receive assignment and standby status by e-mail or telephone by 3:00 p.m. the judicial day prior to the trial date. If no response is received from litigants, the court will presume that the case is ready for trial.

The expiration date is 12-19-08

Plaintiff  Defendant moves to continue case setting hearing because \_\_\_\_\_

DATED this 22nd day of October, 2008  
[Signature]  
Deputy Prosecutor WSBA No. 28289

[Signature]  
Judge  
[Signature]  
Attorney for Defendant WSBA No. 31445  
[Signature]  
Defendant

**Waiver:** I understand that I have the right pursuant to Criminal Rule 3.3 to a trial within 60 days of the commencement date if I am in jail on this case, or 90 days of the commencement date if I am not in jail on this case. I am voluntarily and knowingly giving up this right for a specific period of time to allow my attorney to negotiate with the prosecuting attorney and/or to investigate and/or prepare my case. I agree that the new commencement date is \_\_\_\_\_ and that the expiration date is \_\_\_\_\_ I have read and discussed this waiver with the defendant and believe that the defendant fully understands it

\_\_\_\_\_  
Attorney for Defendant  
I am fluent in the \_\_\_\_\_ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

\_\_\_\_\_  
Interpreter  
King County, Washington

FILED  
KING COUNTY, WASHINGTON

DEC 05 2008

CRIMINAL PRESIDING

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,	)	
Plaintiff,	)	
<u>Mohamed Mase</u>	)	NO. 08-1-05783-2 <i>sc</i>
Defendant.	)	ORDER CONTINUING TRIAL
	)	(ORCTD)
	)	(Clerk's Action Required)
CCN	)	<i>fort</i>

This matter came before the court for consideration of a motion for continuance brought by  plaintiff  defendant  the court. It is hereby ORDERED that the trial, currently set for 12/10/08 is continued to 1/30/09  \*upon agreement of the parties [CrR 3.3(f)(1)] or  required in the administration of justice [CrR 3.3(f)(2)] for the following reason:

plaintiff's counsel in trial;  defense counsel in trial;  other: State & Defense witnesses unavailable, pres. vacation

It is further ORDERED:

Omnibus hearing date is 1/9/09  
 Expiration date is 3/1/09

DONE IN OPEN COURT this 5 day of DEC, 2008

Approved for entry:

[Signature] 20420  
 Deputy Prosecuting Attorney WSBA No.

[Signature] JUDGE  
31445  
 Attorney for Defendant WSBA No.

I agree to the continuance:

\* Defendant [signature required only for agreed continuance]

I am fluent in the Somali language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

[Signature] King County, Washington  
 Interpreter

Trial Continuance  
 (Effective 1 September 2003)

ORIGINAL COURT MINUTES

PAGE #: 7

SEATTLE COURTHOUSE  
KING COUNTY SUPERIOR COURT

CRIMINAL TRIAL CALENDAR

CALENDAR DATE: 01/30/2009

JUDGE: SHARON S. ARMSTRONG

COURT CLERK:

LYNN HARKEY

COURT REPORTER

CASE NO: 08-1-05783-2 SEA

DEFENDANT: MOHAMUD, MUSE ALI

TRUE NAME:

CCN: 1857661

EXP: 03-01-09

DPA: KING COUNTY, PROSECUTING ATT

ATD: RUPERT, JEFFREY N

2062467879

ENT'D.

CO-DEFENDANTS:

CHARGE: FEL HARASSMENT /ASSAULT 2

ARR DATE: 08/11/2008

LOC: 4E10LB02

INT:

ORIGINAL TRIAL DATE: 12/10/2008

COMMENCE DATE: 10-20-08

TRIAL SET EXP: 12-19-08

MOTION JUDGE #: HON. 092

AFFIDAVIT:

ACTION:

HOLD TO 2-2-09

5-DAY EXTENSION TO \_\_\_\_\_

CONT - CONTINUED TO \_\_\_\_\_

60/90 WAIVER TO \_\_\_\_\_

ASSIGNED TO JUDGE \_\_\_\_\_

PLEA - SENT TO \_\_\_\_\_

STRIKE

BEN - BENCH WARRANT TO BE ISSUED

DSMHRG - ORDER OF DISMISSAL

ORDER SIGNED/ORDER TO BE PRESENTED

ORIGINAL COURT MINUTES

PAGE #: 24

SEATTLE COURTHOUSE  
KING COUNTY SUPERIOR COURT

CRIMINAL TRIAL CALENDAR

CALENDAR DATE: 02/02/2009

JUDGE: SHARON ARMSTRONG

COURT CLERK: LYNN HARKEY

COURT REPORTER

CASE NO: 08-1-05783-2 SEA

DEFENDANT: MOHAMUD, MUSE ALI

TRUE NAME:

CCN: 1857661

EXP: 03-01-09

DPA: KING COUNTY, PROSECUTING ATT

ATD: RUPERT, JEFFREY N

2062467879

CO-DEFENDANTS:

CHARGE: FEL HARASSMENT /ASSAULT 2

ARR DATE: 08/11/2008

LOC: 4E10LB02

INT:

ORIGINAL TRIAL DATE: 12/10/2008

COMMENCE DATE: 10-20-08

TRIAL SET EXP: 12-19-08

MOTION JUDGE #: HON. 092

AFFIDAVIT:

ACTION:

HOLD TO 2-309

5-DAY EXTENSION TO \_\_\_\_\_

CONT - CONTINUED TO \_\_\_\_\_

60/90 WAIVER TO \_\_\_\_\_

ASSIGNED TO JUDGE \_\_\_\_\_

PLEA - SENT TO \_\_\_\_\_

STRIKE

BEN - BENCH WARRANT TO BE ISSUED

DSMHRG - ORDER OF DISMISSAL

ORDER SIGNED/ORDER TO BE PRESENTED

**ENT'D.**

PAGE #: 24

SEATTLE COURTHOUSE  
KING COUNTY SUPERIOR COURT

CRIMINAL TRIAL CALENDAR

CALENDAR DATE: 02/03/2009

JUDGE:

COURT CLERK: SHARON ARMSTRONG  
BRANDI SYME

COURT REPORTER

-----  
CASE NO: 08-1-05783-2 SEA

DEFENDANT: MOHAMUD, MUSE ALI

TRUE NAME:

CCN: 1857661

EXP: 03-01-09

DPA: KING COUNTY, PROSECUTING ATT

ATD: RUPERT, JEFFREY N

2062467879

CO-DEFENDANTS:

CHARGE: FEL HARASSMENT /ASSAULT 2

ARR DATE: 08/11/2008

LOC: 4E10LB02

INT:

ORIGINAL TRIAL DATE: 12/10/2008

COMMENCE DATE: 10-20-08

TRIAL SET EXP: 12-19-08

MOTION JUDGE #: HON. 092

AFFIDAVIT:

ENT'D.

ACTION:

HOLD TO 2/4/09

5-DAY EXTENSION TO \_\_\_\_\_

CONT - CONTINUED TO \_\_\_\_\_

60/90 WAIVER TO \_\_\_\_\_

ASSIGNED TO JUDGE \_\_\_\_\_

PLEA - SENT TO \_\_\_\_\_

STRIKE

BEN - BENCH WARRANT TO BE ISSUED

DSMHRG - ORDER OF DISMISSAL

ORDER SIGNED/ORDER TO BE PRESENTED

ORIGINAL COURT MINUTES

PAGE #: 21

SEATTLE COURTHOUSE  
KING COUNTY SUPERIOR COURT  
CRIMINAL TRIAL CALENDAR CALENDAR DATE: 02/04/2009  
JUDGE: SHARON ARMSTRONG  
COURT CLERK: LYNN HARKEY COURT REPORTER

-----  
CASE NO: 08-1-05783-2 SEA  
DEFENDANT: MOHAMUD, MUSE ALI  
TRUE NAME:  
CCN: 1857661 DPA: KING COUNTY, PROSECUTING ATT  
EXP: 03-01-09 ATD: RUPERT, JEFFREY N  
2062467879

CO-DEFENDANTS:

CHARGE: FEL HARASSMENT /ASSAULT 2  
ARR DATE: 08/11/2008  
LOC: 4E10LB02  
INT:  
ORIGINAL TRIAL DATE: 12/10/2008  
COMMENCE DATE: 10-20-08  
TRIAL SET EXP: 12-19-08  
MOTION JUDGE #: HON. 092  
AFFIDAVIT:

ENT'D.

ACTION: 2509  
HOLD TO \_\_\_\_\_  
5-DAY EXTENSION TO \_\_\_\_\_  
CONT - CONTINUED TO \_\_\_\_\_  
60/90 WAIVER TO \_\_\_\_\_  
ASSIGNED TO JUDGE \_\_\_\_\_  
PLEA - SENT TO \_\_\_\_\_  
STRIKE  
BEN - BENCH WARRANT TO BE ISSUED  
DSMHRG - ORDER OF DISMISSAL  
ORDER SIGNED/ORDER TO BE PRESENTED



# APPENDIX D

# ORIGINAL

IN THE SUPERIOR COURT OF THE STATE OF  
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MUSE ALI MOHAMUD )  
 )  
 Defendant. )

No. 08-1-05783-2 SEA  
 VERDICT FORM B

**FILED**  
 KING COUNTY, WASHINGTON

**FEB 13 2009**

SUPERIOR COURT CLERK  
 BY D. COLE MAIER  
 GPM/DEPU

We, the jury, find the defendant MUSE ALI MOHAMUD

guilty (write in "not guilty" or "guilty") of the  
 crime of Assault in the Second Degree as charged in Count II.

2/13/09  
 Date

[Signature]  
 Presiding Juror

# ORIGINAL

IN THE SUPERIOR COURT OF THE STATE OF  
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MUSE ALI MOHAMUD )  
 )  
 Defendant. )

No. 08-1-05783-2

VERDICT FORM C

**FILED**  
KING COUNTY, WASHINGTON

**FEB 13 2009**

SUPERIOR COURT CLERK  
BY D. COLE MAIER  
D. COLE MAIER  
Gang  
N.W.

We, the jury, find the defendant MUSE ALI MOHAMUD

guilty (write in "not guilty" or "guilty") of the  
crime of Kidnapping in the First Degree as charged in Count III.

2/13/09  
Date

[Signature]  
Presiding Juror

# ORIGINAL

IN THE SUPERIOR COURT OF THE STATE OF  
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MUSE ALI MOHAMUD )  
 )  
 Defendant. )

No. 08-1-05783-2

VERDICT FORM D

**FILED**  
KING COUNTY, WASHINGTON  
SEA

**FEB 13 2009**

SUPERIOR COURT CLERK  
BY D. SOLE MAIER  
*Gary Povirk* DEPUTY

We, the jury, find the defendant MUSE ALI MOHAMUD  
guilty (write in "not guilty" or "guilty") of the  
 crime of Unlawful Imprisonment as charged in Count IV.

2/13/09  
 Date

*[Signature]*  
 Presiding Juror

# APPENDIX E

CONTINUATION SHEET

INCIDENT NUMBER 08-271843
UNIT FILE NUMBER

EM OR ENTRY	INCIDENT AND ARREST ARREST ONLY	FOLLOW-UP TRAFFIC / COLLISION SLIPPERFORM	OTHER: (specify)	PAGE 5 OF 5
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On 7-25-2008 at 1328hrs, your affiant contacted Haji-Yusef, Mohammed at Youth Service Center. Haji-Yusef was read his Miranda warnings and acknowledged/signed the Explanation of Rights form. Haji-Yusef agreed to speak with me without his attorney present. Haji-Yusef stated that he received a phone call from Ya Ya asking for a favor. Haji-Yusef agreed to do this favor for Ya Ya and pick up RK at 3<sup>rd</sup> and Pine downtown Seattle on Tuesday July 22<sup>nd</sup> 2008 Ya Ya described RK to Haji-Yusef, which RK was picked up and brought to Ya Ya's residence. After dropping off RK, Haji-Yusef left the residence and received another telephone call from Ya Ya the next day at approximately 2000hrs. Ya Ya wanted Haji-Yusef to pick them up at his residence to drive around. Upon arrival, Haji-Yusef immediately noticed that RK and the defendant were drunk with the defendant being more drunk than RK. Haji-Yusef described that he was told that they wanted to go to a place near Ranier and College St Seattle, but before arriving at this location, they stopped and Ya Ya bought some beer. Haji-Yusef stated that Ya Ya went into the 7-11 store and bought a six pack of Heineken bottled beer taking one of the bottles out of the containing and putting the other bottles in the trunk. After stopping at the 7-11 store and upon arriving at the location, Haji-Yusef heard the defendant and RK start verbally arguing about something. Haji-Yusef then witnessed the defendant, with his left hand; strangle the victim around her neck. Haji-Yusef stated that himself and Ya Ya both attempted to pull the defendant's hand off RK neck. While Ya Ya was attempting to pull the defendant's hand away from around her neck, he dropped the one opened beer out of his hand, which landed on the rear floorboard, spilling beer all over. Haji-Yusef stated that he picked up this beer and placed it into the cup holder in front. Haji-Yusef stated that he then pulled the defendant out of his vehicle while Ya Ya pulled the victim out of the vehicle. After everybody was out of the vehicle, Haji-Yusef stated that he gave his car keys to Ya Ya to retrieve the remaining 5-beers that were in the trunk. Haji-Yusef stated that he then needed a cigarette, so he walked to a nearby bus stop and got a cigarette from somebody. I asked Haji-Yusef if he ever entered the residence and he said that he did not. Note: in the incident report, Haji-Yusef stated to officers that he was in the residence. After smoking the cigarette, Haji-Yusef walked back to his vehicle and noticed numerous patrol vehicles at the location. Haji-Yusef was placed under arrest and his vehicle was impounded for evidence.

- 16. 7-25-2008/1515hrs. In-person to Spruce Street along with Detective James. Met with Janice Newton, who is the supervisor of the facility, and she informed us that she was receiving conflicting accounts of how the victim came to the State of Washington. Newton concern was that this might be a human trafficking incident as the victim gave several accounts as to how she got to Seattle and whom she was living with in Seattle. Detective James conducted an interview with the victim along with myself, Newton, and another staff member of the facility. After the interview, Detective James determined that this particular incident was not a human trafficking case. I asked some follow-up questions from the victim regarding the beer bottle that she struck Suspect Mohamud with. The victim wasn't sure if the bottle broke when she struck the suspect and further asked the victim if Suspect "Ya Ya" or Suspect Haji-Yusef kept her against her will from leaving the scene prior to police arriving. The victim responded by telling me she wasn't sure as it was dark in the room and that she just kept getting hit and that she was brought to this house, which she referred to as a "Trap" house to kill her. The victim further told Newton prior to our arrival that she was duct taped at the residence in Tukwila.
- 17. 7-25-2008/1649hrs. Requested medical records from Harborview Hospital, as the first request was not received.
- 18. 7-28-2008/1100hrs. Case completed and sent to prosecutor's office.

INVESTIGATING OFFICER Det. J. Spong	SERIAL 5829	UNIT B72	INVESTIGATING OFFICER	SERIAL	UNIT	APPROVING OFFICER	SERIAL
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Certificate of Service by Mail

Today I deposited in the mail of the United States of America, postage prepaid, a properly stamped and addressed envelope directed to Aric Bomsztyk, the attorney for the appellant, at Barokas Martin & Tomlinson, 1422 Bellevue Ave, Seattle, WA 98122, containing a copy of the State's Response to Personal Restraint Petition, in IN RE PRP MUSE ALI MOHAMUD, Cause No. 64735-1, in the Court of Appeals, Division I, for the State of Washington.

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

U Brame  
Name  
Done in Seattle, Washington

8/20/10  
Date

FILED  
COURT OF APPEALS DIV. #1  
STATE OF WASHINGTON  
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