

63565-4

63565-4

No. 63565-4

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I

IN RE THE PERSONAL RESTRAINT

OF

STEVEN DANIEL SWENSON,

Petitioner.

RECEIVED
COURT OF APPEALS
DIVISION ONE

AUG 27 2009

REPLY BRIEF

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I. INTRODUCTION

Mr. Swenson argued that allowing the deputy prosecuting attorney who previously prosecuted Mr. Swenson to sit as the judge imposing sentence in the current case violated the due process clauses of the state and U.S. Constitutions, Canon 3(D) of the CJC, and the appearance of fairness doctrine.

The state begins its opposition by characterizing the “appearance of fairness” doctrine – and hence all the claims raised – as non-constitutional in nature. The state then argues that these non-constitutional protections require a subjective, not objective, inquiry. The state concludes that since there is no proof of the sentencing judge’s actual, subjective, bias, Mr. Swenson’s claims all fail.

It is now clear, however, that the state is wrong about both promises and, hence, about its conclusion. Under *Caperton v. A.T. Massey Coal Co.*, ___ U.S. ___, 129 S.Ct. 2252, 173 L.Ed.2d 1208 (2009), it is the U.S. Constitution’s Due Process Clause that provides the protection we described, and that Due Process Clause protects against not just a subjectively biased judge, but also against the objective appearance of unfairness. Thus, the state errs in concluding that Mr. Swenson’s claims fail because he raises non-constitutional claims requiring proof of actual, subjective, bias.

Therefore, the decisions cited in the Opening Brief which adopt an objective test are the most persuasive; and the majority of those hold that using such an objective test, a judge cannot sit on the case of a criminal defendant whom he or she formerly prosecuted regardless of whether the judge harbors actual subjective bias against that defendant. Section II.

The state next argues that Mr. Swenson cannot raise his fairness and appearance-of-fairness claims, including the objective CJC issue, for the first time on appeal. But since *Caperton* clearly holds that both actual, subjective, bias claims and objective, appearance-of-fairness claims are based on the Constitution's Due Process Clause, these claims can all be raised for the first time on appeal under RAP 2.5(a)(3). Further, this is not an appeal. It is a PRP. A petitioner can raise not just constitutional claims in a PRP, but also non-constitutional claims resulting in a miscarriage of justice. The claims contained in Mr. Swenson's PRP fit into both categories. Section III.

Finally, the state tries to minimize the importance of the two conflicting roles played by the judge at different periods of her life vis-à-vis Mr. Swenson by implying that she did not really prosecute him in the past. The state comes to this conclusion by claiming that when

this judge was a prosecutor, she signed only the amended informations in *State v. Steven Swenson*, Case No. 86-8-02275-1, and she signed them for somebody else – as if her signatures were *pro forma* and unimportant, and she was just a stand-in. The argument that the former prosecutor’s signatures do not count because she was not the real prosecutor flouts common sense and conflicts in principle with numerous cases characterizing the decision to initiate charges as integral to the prosecution process and requiring the exercise of professional judgment. *E.g., Kalina v. Fletcher*, 522 U.S. 118, 118 S.Ct. 502, 139 L.Ed.2d 471 (1997). It also misstates the facts; then-deputy prosecutor MacInnes’ name appears throughout Mr. Swenson’s juvenile file (full file attached hereto as Appendix A). Section IV.

II. THE STATE ERRS IN CHARACTERIZING THE “APPEARANCE OF FAIRNESS” DOCTRINE AS NON-CONSTITUTIONAL; UNDER *CAPERTON v. A.T. MASSEY COAL CO.*, IT IS FIRMLY ROOTED IN THE DUE PROCESS CLAUSE

A. Caperton Clarifies that the Appearance of Fairness Doctrine is Constitutional and Objective Rather than Subjective

The state begins its opposition by arguing that the objective “appearance of fairness” doctrine is not constitutional in nature and that only actual, subjective, judicial bias is barred by the Due Process

Clauses of the state and U.S. Constitutions. State's Response, p. 5 ("The appearance of fairness doctrine is not constitutional ...").

The U.S. Supreme Court, however, clearly held to the contrary just a few months ago in *Caperton v. A.T. Massey Coal Co.*, 129 S.Ct. 2252. In that civil case arising from a law suit against a coal mining company in West Virginia, the state's highest court had ruled that the due process clause protected against only actual, subjective, judicial bias, and did not protect against objective, appearance-of-bias, problems. In fact, the U.S. Supreme Court explained that the challenged West Virginia high court judge – Judge Benjamin – refused to recuse himself from hearing the *Caperton* case because he “had no direct, personal, substantial, pecuniary interest in this case,” and that judge concluded that “a standard merely of ‘appearances,’ ... seems little more than an invitation to subject West Virginia’s justice system to the vagaries of the day – a framework in which predictability and stability yield to supposition, innuendo, half-truths, and partisan manipulations.” *Id.*, 129 S.Ct. at 2259 (citations omitted) (internal quotations omitted).

The U.S. Supreme Court reversed, however, on the ground that the Due Process Clause protected against more than just actual, subjective, judicial bias. The Supreme Court explained that the

challenged West Virginia high court judge had reviewed and reversed a \$50 million verdict against Massey Coal Co. for misrepresentation, concealment, and tortious interference with existing contractual relations. The U.S. Supreme Court continued that Judge Benjamin cast his vote on hearing and rehearing in a closely split high court decision. The Court acknowledged that Judge Benjamin denied that he harbored any bias against the plaintiff who won the \$50 million in punitive and exemplary damages, and the Supreme Court cited no proof of actual bias, either. The Supreme Court, however, noted the objective fact that Judge Benjamin had decided to run after the *Caperton* trial court verdict was entered and the Massey Coal Co. had appealed; that he had won a tightly contested election by only 50,000 votes; and that he had achieved this victory after the chairman-president-CEO of defendant-appellant Massey Coal Co. decided to deal with his company's \$50 million trial court loss by pouring \$3 million into Judge Benjamin's campaign. This was a sum that dwarfed expenditures by all the other judges who were running and that even dwarfed the expenditures made by the questioned judge's own election committee. *Caperton*, 129 S.Ct. at 2257.

The U.S. Supreme Court then reiterated the rule that the Due Process Clause protects against actual judicial bias, such as a judge

with a personal interest in the case. *Caperton*, 129 S.Ct. at 2259. Notably, though, that Court continued that the Due Process Clause protects litigants against the objective appearance of unfairness or bias, also. *Id.*, at 2260. That Court used potential financial incentives as an example. It explained that even though many judges would not be influenced by the prospect of obtaining a small amount of money for each case decided a particular way, the Due Process Clause still barred a judge from sitting on a case where he faced the temptation of even a small profit for deciding the case one way rather than the other. This was true, the Court continued, even without proof that the temptation actually influenced the judge; the “possible temptation to the average man,” objectively, was enough to trigger due process clause protections. *Id.*, at 2260 (“[t]here are doubtless mayors who would not allow such a consideration as \$12 costs in each case to affect their judgment in it,” but the temptation still exists and satisfies the objective test of appearance of bias). The Supreme Court explained: “Every procedure which would offer a *possible temptation to the average man as a judge* to forget the burden of proof required to convict the defendant, or which *might lead him not to hold the balance nice, clear and true between the State and the*

accused, denies the latter due process of law.” *Id.* (citation omitted).

The Supreme Court then made clear that these prior decisions compelled the conclusion that the Due Process Clause protects against adjudication by not just a judge who faces the temptation of a small personal profit, but even against adjudication by a judge whose municipality would profit from his or her decision in a case. The Court reaffirmed its prior decisions holding that even where the profit went directly into “the town’s general fisc,” rather than the adjudicator’s pocket, the Due Process Clause still required recusal. *Id.*, 129 S.Ct. at 2260.¹

The *Caperton* Court explicitly concluded that the Due Process Clause did not demand an inquiry into “whether in fact [the justice] was influenced.” *Id.*, at 2261 (citation omitted). Following *Caperton*, the question is not whether Judge MacInnes herself succumbed to the temptation of bias but whether the objective

¹ In fact, the Supreme Court ruled that the judge’s “financial stake” in the outcome need not be either “direct or positive” to necessitate recusal. *Id.* (citation omitted). For example, the Court reiterated that it had ruled, in *Gibson v. Berryhill*, 411 U.S. 564, 579, 93 S.Ct. 1689, 36 L.Ed.2d 488 (1973), that “an administrative board composed of optometrists had a pecuniary interest of sufficient substance that it should be barred from presiding over a hearing against competing optometrists.” *Id.* (internal quotations omitted).

circumstances posed a risk that “sitting on the case then before the [court] ‘would offer a possible temptation to the *average* . . . judge to . . . lead him not to hold the balance nice, clear and true.’” *Caperton*, 129 S.Ct. at 2261 (emphasis added).

This is an objective standard, not a subjective one. It is recited in a U.S. Supreme Court case on review of a West Virginia decision, thus highlighting the fact that the standard is based squarely on the constitution and not simply on state law, common law, or judicial Canons, and also making clear that the standard applies with full force to state court judges. We therefore need not engage in factfinding about the actual subjective feelings held by the sentencing judge or in criticism of that particular judge (especially since no personal criticism is intended). Instead, this Court must analyze the issue objectively, as a question of law.

B. The Out-of-Jurisdiction Decisions Cited in the Opening Brief Which Use an Objective, Rather than Subjective, Analysis When Faced With Virtually Identical Facts, Are Therefore the Most Persuasive

The PRP Opening Brief did this. It cited several decisions from other jurisdictions which analyzed similar factual situations as pure questions of law. That Brief explained that several of those jurisdictions adopted a per se rule barring a former prosecutor from

sitting as a judge on the case of a criminal defendant that he or she previously prosecuted. *E.g., Penoyer v. State*, 945 So.2d 586 (Fla. 2nd DCA 2006); *Goines v. State*, 708 So.2d 656 (Fla. 4th DCA 1998). See also decisions cited in PRP Opening Brief at pp. 10-11. Mr. Swenson also called this Court's attention to jurisdictions that had rejected such a *per se* rule. PRP Opening brief, p. 11.

Given the holding of *Caperton*, the former decisions should be considered the more persuasive ones. They take the same objective approach as does *Caperton*. They emphasize viewing each case based on its facts, as does *Caperton*, and they do so in the context of facts that are virtually identical to the facts presented in Mr. Swenson's case. They come to a conclusion that is consistent with *Caperton's* mandate that, "the Due Process Clause has been implemented by objective standards that do not require proof of actual bias." *Caperton*, 129 S.Ct. at 2253. That conclusion is to recognize that the objective risk of bias from a judge deciding the case of a criminal defendant whom she previously prosecuted is too great for the Due Process Clause to bear.

III. THE STATE ERRS IN ASSERTING THAT THIS CLAIM CANNOT BE RAISED FOR THE FIRST TIME ON APPEAL OR IN A PRP; AS ISSUES THAT ARE CONSTITUTIONAL IN NATURE AND RESULT IN A MISCARRIAGE OF JUSTICE, THEY CAN BE RAISED FOR THE FIRST TIME VIA EITHER PROCEDURE

A. These Constitutional and Non-Constitutional Issues Can Be Raised for the First Time in a PRP

The state next argues that since the claims raised in this PRP are not constitutional in stature, they cannot be raised for the first time on appeal. State's Response, p. 5.

As discussed in Section II above, both the Due Process and "appearance of fairness" claims are clearly based upon the Due Process Clauses of the state and U.S. Constitutions. Hence, they are constitutional in magnitude. Constitutional claims of this sort – concerning the fairness of the proceeding – can be raised for the first time on appeal under RAP 2.5(a)(3). The state therefore errs in arguing that these claims would all be waived without a contemporaneous objection.

Even more to the point, however, is the fact that this is not an appeal but a PRP. A PRP can raise statutory, case law, and court

rule issues² – not just constitutional ones. Thus, the state’s argument that the error is not of constitutional magnitude is not just wrong but also irrelevant; these claims can be raised for the first time in a PRP whether they are constitutional or not.

B. These Constitutional and Non-Constitutional Problems Are Structural Errors, So No Proof of Prejudice is Required to Grant the PRP

It is true, as the state points out, that when a claim is raised in a PRP the petitioner must typically prove prejudice. That is not the case, however, with every PRP claim. Certain errors are so fundamental, yet so difficult to assess for prejudicial affect on the outcome, that prejudice is measured in a different way.

For example, in *In re Richardson*, 100 Wn.2d 669, 675 P.2d 209 (1983), the state Supreme Court ruled that the remedy for a trial court’s failure to inquire when presented with evidence of a conflict is reversal, without any showing of prejudice: “a trial court’s failure, in the face of defense counsel’s warning that he had a possible conflict of interest, to either ascertain that the risk of conflict was remote or appoint different counsel,” is per se prejudicial. *Richardson*, 100 Wn.

² *In re the Personal Restraint of Lord*, 123 Wn.2d 296, 303, 868 P.2d 835, *cert. denied*, 513 U.S. 849 (1994) (PRP can be based on either constitutional issues or nonconstitutional issues that constitute a fundamental defect and result in miscarriage of justice).

2d 669, 676, 675 P.2d 209, 213. “[E]rror of this nature can never be harmless – prejudice is presumed.” *Id.* The Washington Supreme Court therefore granted relief to petitioner Richardson without proof of prejudice. It did so in a PRP, not a direct appeal.

The judicial bias and appearance of bias claims should be treated the same way, because they create the same sort of “structural error.” In *Arizona v. Fulminante*, 499 U.S. 279, 308 & n.8, 111 S.Ct. 1246, 1264 & n.8, 113 L.Ed.2d 302 (1991), the seminal Supreme Court decision describing the difference between “trial errors” subject to harmless error review and “structural errors” that necessitate reversal, the Court explicitly listed judicial bias as one of the few examples of “structural error.” U.S. Supreme Court decisions since that time continue to list judicial bias as a “structural error” requiring automatic reversal.³ The rule of *Richardson* – that such claims are subject to reversal without proof of prejudice even when raised in a PRP – must therefore apply with full force to this case.

³ *Neder v. United States*, 527 U.S. 1, 8, 119 S.Ct. 1827, 144 L.Ed.2d 35 (1999) (citing “biased trial judge” as example of structural error regarding “automatic reversal”); *United States v. Johnson*, 520 U.S. 461, 469, 117 S.Ct. 1544, 137 L.Ed.2d 718 (1997) (lack of an impartial judge).

C. **If Proof of Prejudice is Required, Though, It Is Apparent From the Judge's Decision to Impose the Highest Possible Standard Range Sentence; Any Other Conclusion Would Make PRPs Unavailable for This Constitutional Claim**

Still, if prejudice must be proved, then prejudice is apparent from the record in this case.

It must be remembered that we are focusing here on *objective* indicia of bias. The sentencing judge's prior involvement with Mr. Swenson was adversarial. At sentencing, she was faced with a single question: what sentence to impose upon a man who had previously pled guilty and who was subject to a standard range sentence. Mr. Swenson had no prior adult criminal history. With an offender score of 6, his sentencing range on Count 1 was 162-216 months as a minimum term; his sentencing range on Count 2 was 162-216 months as a minimum term; and his sentencing range on Count 4 was 77-102 months. Counts 4 and 6 were gross misdemeanors, so the range was 0-365 days on those.

Both parties recommended a sentence of 216 months of indeterminate confinement on Counts 1 and 2, concurrent, and 102 months of determinate confinement on Count 5, concurrent, with Counts 1 and 2. But the sentencing judge still had the discretion to

choose any other standard range minimum term, or even one below the standard range.

The sentencing judge chose the highest standard range terms possible, rather than the middle or even the lowest portion of the range. Since we are dealing with appearance of bias claims, such a harsh sentence suffices to prove prejudice. If this Court were to demand more – such as prejudicial or racist comments on the record – it would be requiring proof of actual bias, rather than just the appearance of bias. That would make objective “appearance of fairness” claims totally unavoidable in a PRP, because the petitioner could not win unless he or she submitted proof of subjective bias. But we know that PRPs must be available for such a claim, because it is available for all claims of constitutional magnitude. See, e.g., RAP 16.4(c)(2), (6).

IV. THE STATE’S ARGUMENT THAT A SENIOR PROSECUTOR’S SIGNATURE DOES NOT COUNT BECAUSE SHE IS JUST STANDING IN FOR SOME OTHER PROSECUTOR FLOUTS COMMON SENSE AND CONFLICTS IN PRINCIPLE WITH *KALINA*

The state acknowledges that the sentencing judge on Mr. Swenson’s current case was part of the prosecution team on his prior case. The state does not dispute the fact that the documents located at Opening Brief, Appendix F, accurately show the judge’s prior

involvement with that juvenile criminal case. The state acknowledges that Appendix F contains Amended Informations with then-deputy prosecutor MacInnes' signature. *Id.* (showing 1st and 2nd Amended Informations dated 7/3/86 and 12/8/86 (dks 8 and 20)). It ignores the fact that she also signed all of the following documents, contained in the full file attached hereto: the Order of Disposition (dkt 23); the Order Amending Information dated 6/26/86; the Affidavit in Support dated 7/1/86 (dkt 6); the Motion and Order Permitting Amendment of Information dated 7/1/86 (dkt 7); the Order re Plea/Disposition Hearing dated 11/17/86 (dkt 17); the Certification in Support of Motion and Order Permitting Amendment of Information dated 11/29/86 (dkt 18); and the Motion and Order Permitting Amendment of Information dated 7/1/86 dated 12/4/86 (dkt 19). Appendix A.

The state argues, instead, that the judge's prior participation in that criminal case did not really matter. The state characterizes the decision to bring charges and sign two Amended Informations as somehow unimportant or ministerial, and a stand-in for the deputy prosecutor who appeared in the courtroom. Apparently, it would characterize Judge MacInnes' signatures on all these other documents in the juvenile case file as equally ministerial or coincidental.

This view of the deputy prosecutor who makes the charging decision and signs the Information or Amended Information, along with the Certification and Motions to Amend, plus Orders continuing plea and disposition, defies common sense. The King County Prosecutor's office acts as a team when bringing criminal charges. It would probably surprise many of the deputy prosecutors in that office to know that the charging decision itself – which many characterize as one of critical importance, involving the exercise of an enormous amount of discretion, *see, e.g., Kalina v. Fletcher*, 522 U.S. 118, is really just a pro forma matter. It would probably surprise deputy prosecutors and Superior Court judges alike to find out that the Prosecutor's Office now characterizes the deputy who arrives in court as the only one who bears responsibility for the case, and the one who takes the responsibility for signing the critical documents initiating the case, certifying the facts, altering the charges and drafting orders concerning plea and disposition as just a “stand-in.”

The U.S. Supreme Court came to essentially this conclusion in *Kalina*. In that case, a criminal defendant who was wrongfully arrested on the basis of a Certification for Determination of Probable Cause with factual inaccuracies in it sued the King County deputy prosecutor who signed that Certification seeking damages in a civil

rights case. The U.S. Supreme Court ruled that the deputy prosecutor was not entitled to immunity for her role in signing that Certification, because she acted primarily as a witness when she signed it. In contrast, the Court explained, when a deputy prosecutor makes the decision to initiate charges, to choose what charges to file, and to determine what facts were critical enough to support that filing decision and hence to be included in the Certification, then that deputy prosecutor is acting in a traditional, professional, prosecutorial role and hence would be entitled to immunity from suit.

The judge who previously prosecuted Mr. Swenson was acting in precisely that traditional, professional, adversarial, capacity when she made the charging decision reflected in the fact that she signed the Amended Informations, moved to amend, and draft additional paperwork supporting not just the charging but also plea and disposition. In fact, it is difficult to think of a prosecutorial function that is as discretionary, professional, and adversarial as the charging decision itself. Further, according to *Kalina*, she also acted as a witness by signing the Certification – a witness against Mr. Swenson. The current deputy prosecutor's arguments in this case – that the charging decision and signature on the Amended Informations was essentially a non-event conducted by a stand-in and the signature on

the Certification additionally placing that former prosecutor in the role of adverse witness is not even worth mentioning – thus not only defies common sense, but also conflicts in principle with scores of cases which, like *Kalina*, set forth the critical functions of a prosecutor and also of an actual. *E.g., Imbler v. Pachtman*, 424 U.S. 409, 96 S.Ct. 984, 47 L.Ed.2d 128 (1976) (former prisoner whose conviction was set aside could not maintain civil rights lawsuit against prosecutor; “a state prosecuting attorney who acted within the scope of his duties in initiating and pursuing a criminal prosecution” was not amenable to suit under 42 U.S.C. § 1983 and the decision to “commenc[e]” a criminal prosecution – even a wrongful decision – was a core prosecutorial duty). The sentencing judge in Mr. Swenson’s case acted in both capacities before, that is, as both a former prosecutor and a former adverse witness, and neither role was ministerial or irrelevant. They both were critical to the prior conviction.

//

V. CONCLUSION

For the foregoing reasons, this personal restraint petition should be granted.

DATED this 21st day of August, 2009.

Respectfully submitted,



Sheryl Gordon McCloud,
WSBA No. 16709
Attorney for Petitioner,
Steven D. Swenson

CERTIFICATE OF SERVICE

I certify that on the 2nd day of August, 2009, a true and correct copy of the foregoing REPLY BRIEF was served upon the following individuals by depositing same in the U.S. Mail, first-class, postage prepaid:

Ann Summers
King County Prosecuting Attorney
Appellate Unit
W554 King County Courthouse
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Sheryl Gordon McCloud

APPENDIX A

CASE#: 86-8-02275-1 JUV OFF
TITLE: STATE VS SWENSON, STEVEN DANIEL
FILED: 06-05-86
OFFENDER CLASS: FEL FELONY

ARCHIVED: 06-25-89
CONSOLIDATED:
NOTE1:
NOTE2:

-----PARTIES-----
CONN LAST NAME, FIRST MI TITLE BORN
DEF01 SWENSON, STEVEN D. 08-04-72

-----ATTORNEYS-----
CONN LAST NAME, FIRST MI TITLE LITIGANTS DATE
PC001 STEEL, DAN
ATD01 HOHLBEIN, WESLEY G
DPA01 SHELEDY, PATRICIA E. (P)

-----SENTENCE-CHARGE-----
DEF01 SWENSON, STEVEN D.

DISPOSITION: GP GUILTY PLEA DATE: 02-11-87
DISP. JUDGE: RICHEY
SENTENCE DATE: 02-11-87 SENTENCED BY: RICHEY
SENTENCING DEFERRED: NO APPEALED TO: DIVISION I DATE APPEALED:
COMMUNITY SERVICE..... X : CRIME VIC. COMP.....\$
COMM. SERVICE SUSPENDED..... : FINE.....\$
INSTITUTION..... : RESTITUTION.....\$
INSTITUTION SUSPENDED..... : COURT COSTS.....\$
PROBATION..... X : ATTORNEY FEES.....\$
DUE DATE: PAID:

-----SENTENCE DESCRIPTION-----
9 MOS COMM SUP; 24 HRS COMM SER AT 10 HRS/MONTH; COUNSELING/DRUG-ALCOHOL INFOR-
MATION/EVALUATION; UNDERGO A PSYCHOLOGICAL EVALUATION*****

-----CHARGE INFORMATION-----
RSLT CNT RCW/CODE DESCRIPTION COMMENT
----- ORIGINAL INFORMATION
1 9A.46.040 NO RCW DESCRIPTION
2 9A.36.040 NO RCW DESCRIPTION
----- AMENDED INFORMATION
1 9A.40.040 NO RCW DESCRIPTION
2 9A.36.020 NO RCW DESCRIPTION
----- SECOND AMENDED INFORMATION
GUIL 1 9A.40.040 NO RCW DESCRIPTION
GUIL 2 9A.36.040 NO RCW DESCRIPTION
GUIL 3 9A.36.040 NO RCW DESCRIPTION

CASE#: 86-8-02275-1 JUV OFF
 TITLE: STATE VS SWENSON, STEVEN DANIEL

-----APPEARANCE DOCKET-----

SUB#	DATE	CD/COMM	DESCRIPTION	SECONDARY MICROFILM
1	05-06-86	INFO	INFORMATION	
1.1	06-09-86	NTC	NOTE FOR CALENDAR	06-19-86AA
		ACTION	ARR	
2	06-10-86	NTARD	NOT OF APPEAR AND REQ FOR DISCOVERY	
3	06-20-86	QANAHSC	ORD/AGR MVG ARRON HRG &SET CRT DATE	06-26-86CA
		ACTION	CASE SETTING	
4	06-27-86	OR	ORDER	07-01-86AD
		ACTION	CASE SETTING	
5	07-03-86	OR	ORDER	07-08-86AD
		ACTION	CASE SETTING	
6	07-03-86	AFS	AFFIDAVIT IN SUPPORT	
7	07-03-86	ORPFAI	ORD PERMITTING FILING AMENDED INFO	
8	07-03-86	AMINF	AMENDED INFORMATION	
9	07-09-86	OR	ORDER	07-22-86CA
		ACTION	CASE SETTING	
10	07-22-86	NTAPR	NOTICE OF APPEARANCE	
11	07-23-86	OR	ORDER	07-25-86
		ACTION	CASE SETTING	
12	07-28-86	ORWHSFF	ORD WAIVING HRNG AND SET FACT FIND	10-01-86FD
		ACTION	FACT FINDING	
13	07-30-86	PRC	PRAECIPE	
14	08-04-86	RTSB	RETURN ON SUBPOENA	
15	08-12-86	RTSB	RETURN ON SUBPOENA	
16	10-02-86	ORWHSP	ORD WAIVING HRNG AND SET FOR PLEA	11-19-86DA
		ACTION	DISPOSITION	
17	11-19-86	OR	ORDER	02-11-87DA
		ACTION	DISPOSITION	
18	12-08-86	CRT	CERTIFICATION	
19	12-08-86	ORPFAI	ORD PERMITTING FILING AMENDED INFO	
20	12-08-86	AMINF	AMENDED INFORMATION	
21	02-11-87	DISPHRG		
		EXP01	COMM RICHEY	
22	02-11-87	STJOPO	STMNT OF JUV OFFNDR/PLEA OF GUILTY	
23	02-11-87	ORD	ORDER OF DISPOSITION	

-----END COPY CASE-----

50
SUPERIOR COURT OF WASHINGTON - COUNTY OF KING
JUVENILE

IN REFERENCE TO:
SWENSON, STEVEN DANIEL

P

CASE NO. 86-8-02275-1
NOTE FOR CALENDAR
SOCIAL FILE NO. 0083663

TO THE CLERK OF THE COURT: PLEASE SET FOLLOWING TYPE HEARING

ARRAIGNMENT

DATE OF HEARING_ _ _ 06-19-86 _ _ _
TIME OF HEARING_ _ _ 10:00 A.M. _ _ _
LEGAL FILE PAGE NUMBER(S) OF PETITIONS
TO BE HEARD_ _ _ _ _
ESTIMATED TIME _ _ _ _ _
AGREED_ _ _ _ _ DISAGREED _ _ _
NOTED BY:
PROBATION OFFICER_ STEEL, DAN _ _ _
WORK UNIT: 5
ATTORNEY _ _ _ _ _ TYPE _ _ _

TO THE CLERK:

PLEASE ISSUE NOTICE AND SUMMONS TO: BY U.S. MAIL PERSONAL SERVICE

NAME _ _ SWENSON, STEVEN DANIEL _ _ _ P _ _ _ 0083663 _ _ _ 782-4438 _ _ _
ADDRESS_ 1107 NW 65 _ _ _ _ _ SEATTLE _ _ WA _ _ _
NAME _ _ _ _ _
ADDRESS_ _ _ _ _

ATTORNEYS OF RECORD

DAVID VOGEL

CALENDAR COORDINATOR

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 v.)
)
 STEVEN DANIEL SWENSON,)
 B.D. 08-04-72)
)
 Respondent.)

NO. 86-8-02275-1
INFORMATION

I, Norm Maleng, Prosecuting Attorney for King County in the name and by the authority of the state of Washington, do accuse Steven Daniel Swenson, of the crime of UNLAWFUL IMPRISONMENT, committed as follows:

That the respondent Steven Daniel Swenson, in King County, Washington, on or about 3 May 1986, did knowingly restrain Anthony Vega, Nicole Johns and Melissa Miller, human beings;

Contrary to RCW 9A.40.040, and against the peace and dignity of the state of Washington.

COUNT II

And I, Norm Maleng, Prosecuting Attorney aforesaid further do accuse Steven Daniel Swenson, of the crime of SIMPLE ASSAULT, a crime of the same or similar character and based on a series of acts connected together with Count I, 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 respondent Steven Daniel Swenson, in King County, Washington, on or about 3 May 1986, did assault Anthony Vega and Nicole Johns, human beings;

1

Contrary to RCW 9A.36.040, and against the peace and
dignity of the state of Washington.

NORM MALENG
Prosecuting Attorney

David S. Vogel

By
DAVID S. VOGEL
Deputy Prosecuting Attorney

(PATRICIA E. SHELEDY) (P)

FILED

JUN 10 PM 12:50

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

STATE OF WASHINGTON,
Plaintiff,
vs.
STEVEN D. SWENSON
Defendant.

CAUSE No: 86-8-02275-1
NOTICE OF APPEARANCE
REQUEST FOR DISCOVERY
DEMAND FOR SPEEDY TRIAL

COMES NOW, the Associated Counsel for the Accused and hereby appears on behalf of the above named Defendant in this cause.

FURTHER, the below named attorney hereby requests that the Prosecuting Attorney forward immediately the names, addresses, and phone numbers of all potential witnesses, together with a copy of the arresting officer's notes and all other statements and summaries of expected testimony of witnesses and furnish copies of, or access to, any physical evidence which either now or before fact-finding shall be within his or her knowledge, possession, or ability to access, and which may be relevant to the charges herein: Failure to comply with this request shall subject any undisclosed evidence which is offered at trial to a motion to suppress and a motion to grant such other relief as may be appropriate:

FURTHER, the below named attorney requests the Prosecuting Attorney to furnish a Bill of Particulars, and to name the precise statute and subsection under which the Defendant is charged or liable to punishment.

FURTHER, the Defendant demands a speedy trial as prescribed by JuCR 7.8.

Respectfully submitted on: June 9, 1986

Ann Danielli
Ann Danielli
Attorney for Defendant
By: MJH

Associated Counsel for the Accused
518 Second Ave. Suite 1700
Seattle, Washington 98104
624-8105



SUPERIOR COURT OF WASHINGTON,
COUNTY OF KING
JUVENILE COURT

6 JUL 21 1986

State of Washington v. Steven Swenson

NO. 86-8-02275-1

BD 8/4/72

ORDER ON AGREEMENT WAIVING ARRAIGNMENT
AND SETTING COURT DATE

The undersigned agree:

- (1) That the respondent's true name and birthdate are correctly stated in the information; respondent and counsel each acknowledge receipt of a copy of the information, waive a formal reading thereof, waive arraignment under JuCR 7.6 and LJUCR 7.6, and enter a plea of not guilty.
- (2) The respondent and counsel acknowledge that the speedy trial expiration date under JuCr 7.6 is 60 days from 6/19/86 () Respondent and counsel waive the speedy trial rule for days.
- (3) The next court appearance is set on 6/26/86 at 10⁰⁰ for case-setting.
- (4) The respondent and counsel understand they will be given a copy of this document which will be the only notice of the next hearing. (The respondent further indicates that counsel has explained to him/her that failure to appear at the set court date can result in a charge of Failure to Appear, RCW 9A.76.170, being filed and a warrant being issued for his/her arrest.)

I have read and my attorney has read and explained to me everything printed above, I understand it, have no questions as to the meaning, agree to it and I have been given a copy of this document.

DATED: 6/19/86

Steven Swenson
JUVENILE SIGNATURE

I have carefully gone over the above with my client and I believe that he/she fully understands it.

DATED: 6/19/86

[Signature]
LAWYER FOR CHILD

Parent, guardian or custodial signature in the event child is under twelve (12) years of age. I have discussed the foregoing with counsel and understand it fully.

PARENT, GUARDIAN, CUSTODIAN

34

No.
2275-1

ORDER

THEREFORE, IT IS HEREBY ORDERED:

(1) That the arraignment set for 6/19/86 is STRICKEN

(2) That a plea of not guilty is entered.

(3) (a) A case setting hearing is set for 7 days (if detained) / 14 days (if not detained) from the scheduled arraignment. The case setting hearing is set for 6/26/86 at 10 a.m.

OR

(b) A case setting hearing is set for _____ at 10 a.m. and respondent waives speedy trial rule for _____ days.

(4) That the matter is set for plea and disposition on _____

No contact with witnesses

DATED: 6-19-86

James L. Sullivan
JUDGE/COURT COMMISSIONER

Approved for Entry

Copy received/notice of presentation waived:

Linda G. Walton
Deputy Prosecuting Attorney

[Signature]
Lawyer for Child

Probation Counselor Mail Stop



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING
JUVENILE COURT

State of Washington v. Heven D. Swenson

NO. 86-8-02275-1

DOB 8-14-72

ORDER ON () REVIEW (X) OTHER

I. BASIS

1.1 A Case setting hearing was set before the undersigned on 6-26-86

1.2 Persons appearing were: the respondent and parent(s); the Prosecuting Attorney _____;
Probation Counselor _____; and Counsel _____
(see Clerk's minutes).

II. FINDINGS

2.1 () The respondent failed to appear.
() Probable cause has been established.

2.2 (X) OTHER: State is amending to more serious charges - Defense counsel needs more time to confer with client

2.3 () An arraignment was held. A plea of () not guilty () guilty was entered.

III. ORDER

3.1 () A warrant of apprehension shall issue for respondent.

3.2 () The Court's order dated _____ is hereby amended as follows: _____

3.3 (X) The hearing set for 6-26-86 is stricken.

3.4 (X) The next Court appearance is set for July 8th, 1986 at 10⁰⁰ am for a case setting hearing.

3.5 IT IS FURTHER ORDERED: Speedy trial is waived from 6-26-86 to 7-8-86

Dated: 6-26-86

Presented by:

Peggy Garberding

Approved/Copy Received:

To [Signature]
Deputy Prosecuting Attorney

[Signature]
Judge/Commissioner

Clerk of Court/Date Approved

[Signature]
Lawyer for Respondent

Probation Counselor

Respondent



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING
JUVENILE COURT

State of Washington v. Steven Swenson
8/4/82

NO. 86-E-02275-1

ORDER ON () REVIEW () OTHER

I. BASIS

- 1.1 A. Case setting hearing was set before the undersigned on 7/1/86.
- 1.2 Persons appearing were: the respondent and parent(s); the Prosecuting Attorney Walter; Probation Counselor Steel; and Counsel Daniel. (see Clerk's minutes).

II. FINDINGS

- 2.1 () The respondent failed to appear.
- () Probable cause has been established.
- 2.2 (X) OTHER: Counsel needs more time for
investigation
- 2.3 () An arraignment was held. A plea of () not guilty () guilty was entered.

III. ORDER

- 3.1 () A warrant of apprehension shall issue for respondent.
- 3.2 () The Court's order dated _____ is hereby amended as follows: _____
- 3.3 (X) The hearing set for 7/1/86 is stricken.
- 3.4 (X) The next Court appearance is set for 7/8/86 at _____ am/pm for a hearing.
- 3.5 IT IS FURTHER ORDERED: speedy trial held

Dated: 7/1/86
Presented by: [Signature]

[Signature]
Judge/Commissioner

Approved/Copy Received
[Signature]
Deputy Prosecuting Attorney

Clerk of Court/Date Approved
[Signature]
Lawyer for Respondent:

Probation Counselor: _____

Respondent: _____

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

STATE OF WASHINGTON,)	
)	
Plaintiff,	)	NO. 86-8-02275-1
)	
vs.	)	AFFIDAVIT IN SUPPORT OF
	)	MOTION AND ORDER PERMITTING
STEVEN DANIEL SWENSON,	)	AMENDMENT OF INFORMATION
)	
B.D. 8/4/72)	
)	
Respondent.)	
_____)	

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

Nicole MacInnes, being first duly sworn on oath deposes and says:

That your affiant is a deputy prosecuting attorney in and for King County, Washington; that your affiant is familiar with the records and files herein; that your affiant represents that since the filing of the Information on 5 June 1986, the following (as checked) has occurred:

- () [a] new charge[s] have [has] been received by the Prosecutor's Office; that the Information should be amended to add this [these] new charge[s];
- () that an error was made in the date of the offense charged in the Information; that the Information should be amended to correct the date of the offense;
- () that an error was made in the charging language of the Information but the offense remains the same; that the Information should be amended to correct the charging language;

(X) Amended charge has accurately reflects respondent's culpability

164

_____,
that based upon the above an order should be entered permitting
the filing of an amended Information.

Nicole MacInnes
NICOLE MACINNES
Senior Deputy Prosecuting Attorney

SUBSCRIBED and SWORN to before me
this 1st day of July, 1986.

Annaliese Hansen
NOTARY PUBLIC in and for the State of
Washington, residing at Darkland.

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

STATE OF WASHINGTON,)	
)	
Plaintiff,	)	NO. 86-8-02275-1
)	
vs.	)	MOTION AND ORDER
	)	PERMITTING AMENDMENT OF
STEVEN DANIEL SWENSON	)	INFORMATION
)	
B.D. 8/4/72)	
)	
Respondent.)	

COMES NOW Norm Maleng, Prosecuting Attorney for King County, Washington, by and through his deputy, Nicole MacInnes, and moves the Court for an order permitting amendment of an Information, filed herein 5 June 1986, for the reasons as set forth in the affidavit attached hereto.

NORM MALENG
Prosecuting Attorney
By: *Nicole MacInnes*
NICOLE MACINNES
Senior Deputy Prosecuting Attorney

O R D E R

THIS MATTER coming on regularly for hearing before the undersigned Judge/Court Commissioner of the above-entitled Court on the day below named, upon application of the state of Washington for leave to file an amended information herein, and the court being fully advised in the premises: NOW, THEREFORE,

A
W

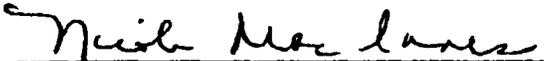
IT IS HEREBY ORDERED that the state of Washington,
Plaintiff, be and hereby is permitted to file an amended
information herein.

DONE IN OPEN COURT this 1st day of July,
1986.



JUDGE/COURT COMMISSIONER

Presented by:



NICOLE MACINNES
Senior Deputy Prosecuting Attorney

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

STATE OF WASHINGTON,)	
)	
Plaintiff,	)	NO. 86-8-02275-1
)	
v.	)	FIRST AMENDED INFORMATION
)	
STEVEN DANIEL SWENSON)	
B.D. 8/4/72)	
)	
Respondent.)	

I, Norm Maleng, Prosecuting Attorney for King County in the name and by the authority of the state of Washington, do accuse Steven Daniel Swenson, of the crime of UNLAWFUL IMPRISONMENT, committed as follows:

That the respondent Steven Daniel Swenson, in King County, Washington, on or about 3 May 1986, did knowingly restrain Anthony Vega, Nicole Johns and Melissa Miller, human beings;

Contrary to RCW 9A.40.040, and against the peace and dignity of the state of Washington.

COUNT II

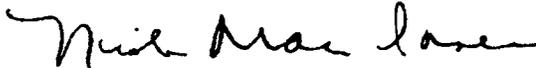
And I, Norm Maleng, Prosecuting Attorney aforesaid further do accuse Steven Daniel Swenson, of the crime of ASSAULT IN THE SECOND DEGREE, a crime of the same or similar character and based on a series of acts connected together with Count I, which crimes were part of a common scheme or plan, and which 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 respondent Steven Daniel Swenson, in King County, Washington, on or about 3 May 1986, did knowingly inflict grievous bodily harm upon Anthony Vega and Nicole Johns, human beings;

474

Contrary to RCW 9A.36.020(1)(b), and against the peace
and dignity of the state of Washington.

NORM MALENG
Prosecuting Attorney



By
NICOLE MACINNES
Senior Deputy Prosecuting Attorney

For
DAVID S. VOGEL
Deputy Prosecuting Attorney

(PATRICIA SHELEDY) (P)



**SUPERIOR COURT OF WASHINGTON
COUNTY OF KING - ED
JUVENILE COURT**

State of Washington v. *[Handwritten Name]*

1986 JUL -9 PM 1:57
CLERK No. 5-8-8275-1

ORDER ON () REVIEW () OTHER

I. BASIS

- 1.1 A Case Setting hearing was set before the undersigned on 2/18/86.
- 1.2 Persons appearing were: the respondent and parent(s); the Prosecuting Attorney [Handwritten Name]; Probation Counselor [Handwritten Name]; and Counsel [Handwritten Name] (see Clerk's minutes).

II. FINDINGS

- 2.1 () The respondent failed to appear.
() Probable cause has been established.
- 2.2 OTHER: Respondent's failure will give probable cause.
- 2.3 () An arraignment was held. A plea of () not guilty () guilty was entered.

III. ORDER

- 3.1 () A warrant of apprehension shall issue for respondent.
- 3.2 () The Court's order dated _____ is hereby amended as follows: _____
- 3.3 The hearing set for 7/8/86 is stricken.
- 3.4 The next Court appearance is set for 2/22/86 at 10:00 am/pm for a continuing hearing.
- 3.5 IT IS FURTHER ORDERED: 5:30 pm, 2/22/86 received

Dated: 2/18/86
Presented by: _____

[Handwritten Signature]
Judge/Commissioner

Clerk of Court/Date Approved

Approved/Copy Received:

[Handwritten Signature]
Deputy Prosecuting Attorney

Lawyer for Respondent

Probation Counselor

Respondent

1986 JUL 22 AM 11:43

STATE OF WASHINGTON
CLERK

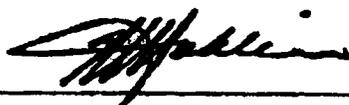
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IN THE SUPERIOR COURT, KING COUNTY
STATE OF WASHINGTON
JUVENILE COURT

STATE OF WASHINGTON)	CASE NO. <u>86-8-02275-1</u>
)	
Plaintiff,	)	NOTICE OF APPEARANCE <u>X</u>
)	
vs.	)	WAIVER OF ARRAIGNMENT _____
)	
STEVEN SWENSON	)	JURY DEMAND _____
D.B. 08-04-72)	
Defendant	)	JURY WAIVER _____

1. I appear for the above named defendant.
2. A. Defendant demands a jury.
- B. Defendant waives jury. I have discussed the subject with my client and I am authorized to make this waiver.
3. Defendant waives arraignment Yes No
4. Defendant waives the 90-day rule Yes No
5. REQUESTS DISCOVERY Yes No

Dated this 21st day of
July, 1986.



Wesley C. Hohlbein
Attorney for Defendant
Suite 400 Arctic Building
704 Third Avenue
Seattle, Washington 98104
(206) 624-0066

LAW OFFICES
HOHLBEIN & FETTY
SUITE 400 ARCTIC BUILDING
704 THIRD AVENUE
SEATTLE, WASHINGTON 98104
PHONE 624-0066



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING
JUVENILE COURT

JUL 23 11 01 AM '86

State of Washington v.

Steven Suuronen

NO: *86-8-02275-1*

ORDER ON () REVIEW () OTHER

I. BASIS

- 1.1 A *committing* hearing was set before the undersigned on *7/22/86*.
- 1.2 Persons appearing were: the respondent and parent(s); the Prosecuting Attorney *Walter*; Probation Counselor _____; and Counsel *Holban* (see Clerk's minutes).

II. FINDINGS

- 2.1 () The respondent failed to appear.
() Probable cause has been established.
- 2.2 () OTHER: *attorney could be here*
- 2.3 () An arraignment was held. A plea of () not guilty () guilty was entered.

III. ORDER

- 3.1 () A warrant of apprehension shall issue for respondent.
- 3.2 () The Court's order dated _____ is hereby amended as follows: _____
- 3.3 () The hearing set for *7-22-86* is stricken.
- 3.4 () The next Court appearance is set for *7-25-86* at *10:00* *am* for a *committing* hearing.
- 3.5 IT IS FURTHER ORDERED: *Speedy trial is waived for three days*

Dated: *7/22/86*
Presented by: _____

[Signature]
Judge/Commissioner

Approved/Copy Received:
Leah C. Walter
Deputy Prosecuting Attorney

Clerk of Court/Date Approved
W. Holban by *W. C. W.*
Lawyer for Respondent *Johnson*

Probation Counselor _____

Respondent _____ *11*



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING
JUVENILE COURT

1986 JUL 28 PM 1:40

NO. 86-9-02275-1

State of Washington v.

BD STEVEN DANIEL SWENSON

ERK
ORDER WAIVING HEARING AND
SETTING FOR FACT FINDING

I. BASIS

The respondent having been arraigned and the parties having set a case setting hearing, both parties agree that said hearing may be waived, pursuant to the following agreed order.

II. ORDER

A fact-finding hearing is set for the 1 day of October, 1986 at 1:30 and the case setting hearing set for 7-25-86 is stricken.

1. The selected fact finding date is beyond the speedy trial limit. Respondent () is is not in detention. Respondent and counsel waive the speedy trial rule until Oct 14, 1986

2. The exchange of discovery shall be completed by 2 weeks before trial
() The exchange of discovery is complete (to the knowledge of the parties).

3. Respondent notes the following motion for the fact finding hearing: severed at this time

4. Counsel have entered into the following stipulations: NONE

5. There () are are not co-respondents. (fact finding has been scheduled for _____ By Margaret Rave Nelson

6. Estimated length of trial: 3 hours

7. OTHER: a psychological examination is hereby ordered but by agreement of parties

8. Lawyer for respondent has confirmed the next court date with respondent

Dated: 7-25-86

Jeanne W. Johnson
Judge/Court Commissioner

Jeanne Blumstein
Deputy Prosecuting Attorney

[Signature]
Lawyer for Respondent

Steven Swenson
Respondent

Probation Officer _____ Mail Stop _____

In the Superior Court of the State of Washington
For the County of King

JUL 20 AM 8:58 JUVENILE DEPARTMENT

STATE OF WASHINGTON,

NO.

86-8-02275-1

Plaintiff,

v.

Steven Daniel Swenson

Unlawful Imprisonment
Simple Assault
86207809

SUBPOENA

B.D. 8-04-72
Respondent.

TO: [Anthony Vega
6317- 11th NW
Sea 789-3233

[D. L. McCoy (Officer) #3260
SPD Unit 423 625-4056

[Nicole Johns
5338 - 7th NE
Sea 524-3157

[Det. Vanderlaan #3134
Unit 352 SPD 625-4431

[Millisa Miller
1101 NW 65th
Sea 784-3068

Jon Love NOTICE
Deputy Prosecuting Attorney,
will try the above entitled case for the State. 343-2521
Carolyn McKee - Paralegal

IN THE NAME OF THE STATE OF WASHINGTON, You are hereby commanded to be and appear at the SUPERIOR COURT of the STATE OF WASHINGTON, King County, in the court room at 1211 East Alder Street, SEATTLE, at 1:15 o'clock in the afternoon of the 1st day of October, 19 86, to testify as a witness in the above-entitled cause pending, and to remain in attendance at said court until discharged, and HEREIN FAIL NOT AT YOUR PERIL. Failure to comply may be cause for a warrant for your arrest and punishment for failure to appear.

krd

Seal thereof, this day.

M. JANICE MICHELS, Clerk

by

Gloria Gallaway

Deputy Clerk

135

In the Superior Court of the State of Washington
For the County of King

JUVENILE DEPARTMENT

STATE OF WASHINGTON,

NO. 86-8-02275-1

Plaintiff,

v.

Steven Daniel Swenson

Unlawful Imprisonment
Simple Assault
86207809

SUBPOENA

B.D. 8-04-72
Respondent.

TO: Anthony Vega
6317- 11th NW
Sea 789-3233

D. L. McCoy (Officer) #3260
SPD Unit 423 625-4056

Nicole Johns
5338 - 7th NE
Sea 524-3157

Det. Vanderlaan #3134
Unit 352 SPD 625-4431

Millisa Miller
1101 NW 65th
Sea 784-3068

Jon Love

NOTICE

Deputy Prosecuting Attorney.
will try the above entitled case for the State. 343-2521
Carolyn McKee - Paralegal

IN THE NAME OF THE STATE OF WASHINGTON, You are hereby commanded to be and appear at the SUPERIOR COURT of the STATE OF WASHINGTON, King County, in the court room at 1211 East Alder Street, SEATTLE, at 1:15 o'clock in the afternoon of the 1st day of October, 19 86, to testify as a witness in the above-entitled cause pending, and to remain in attendance at said court until discharged, and HEREIN FAIL NOT AT YOUR PERIL. Failure to comply may be cause for a warrant for your arrest and punishment for failure to appear.

krd

Signed thereof, this day
M. JANICE MICHELS, Superior Court Clerk

BY: Gloria Galloway

SUBPOENA RETURN

I hereby certify that I personally served the above subpoena on each person whose name appears above by (giving him/her a true copy) (leaving a true copy at the place of his/her business/residence with _____) in King County, Washington.

In the Superior Court of the State of Washington
For the County of King

NOV 1986 - 4 PM JUVENILE DEPARTMENT

STATE OF WASHINGTON,
Plaintiff,

NO. 86-8-02275-1

v.

Steven Daniel Swenson

Unlawful Imprisonment
Simple Assault
86207809

SUBPOENA

B.D. 8-04-72
Respondent.

TO: Anthony Vega
6317- 11th NW
Sea 789-3233

D. L. McCoy (Officer) #3260
SPD Unit 423 625-4056

Nicole Johns
5338 - 7th NE
Sea 524-3157

Det. Vanderlaan #3134
Unit 352 SPD 625-4431

Millisa Miller
1101 NW 65th
Sea 784-3068

Jon Love

NOTICE

Deputy Prosecuting Attorney,
will try the above entitled case for the State. 343-252

Carolyn McKee - Paralegal

IN THE NAME OF THE STATE OF WASHINGTON, You are hereby commanded to be and appear at the SUPERIOR COURT of the STATE OF WASHINGTON, King County, in the court room at 1st day 1211 East Alder Street, SEATTLE, at 1:15 o'clock in the afternoon of the _____ day of _____, 19 86, to testify as a witness in the above-entitled cause pending, and to remain in attendance at said court until discharged, and HEREIN FAIL NOT AT YOUR PERIL. Failure to comply may be cause for a warrant for your arrest and punishment for failure to appear.

krd

Signed thereof, this day
M. JANICE MICHELS, Superior Court Clerk

BY: Gloria Gallaway

SUBPOENA RETURN

I hereby certify that I personally served the above subpoena on each person whose name appears above by (giving him/her a true copy) (leaving a true copy at the place of his/her business/residence with _____ (S/D) in King County, Washington.

of the court

In the Superior Court of the State of Washington
For the County of King

JUVENILE DEPARTMENT

STATE OF WASHINGTON,

NO.

86-8-02275-1

Plaintiff,

v.

Steven Daniel Swenson

Unlawful Imprisonment
Simple Assault
86207809

SUBPOENA

B.D. 8-04-72
Respondent.

TO: [Anthony Vega ^{1st}
6317- 11th NW
Sea 789-3233

[D. L. McCoy (Officer) #3260
SPD Unit 423 625-4056

[Nicole Johns
5338 - 7th NE
Sea 524-3157

[Det. Vanderlaan #3134
Unit 352 SPD 625-4431

[Millisa Miller
1101 NW 65th
Sea 784-3068

Jon Love

NOTICE

Deputy Prosecuting Attorney,
will try the above entitled case for the State. 343-2521

Carolyn McKee - Paralegal

IN THE NAME OF THE STATE OF WASHINGTON, You are hereby commanded to be and appear at the SUPERIOR COURT of the STATE OF WASHINGTON, King County, in the court room at 1211 East Alder Street, SEATTLE, at 1:15 o'clock in the afternoon of the 1st day of October, 19 86, to testify as a witness in the above-entitled cause pending, and to remain in attendance at said court until discharged, and HEREIN FAIL NOT AT YOUR PERIL. Failure to comply may be cause for a warrant for your arrest and punishment for failure to appear.

krd

Seal thereof, this day
M. JANICE MICHELS, Superior Court Clerk

BY: Gloria Galloway

SUBPOENA RETURN

I hereby certify that I personally served the above subpoena on each person whose name appears above by (giving him/her a true copy) (leaving a true copy at the place of his/her business/residence, with Steven Swenson) in King County, Washington.

[Signature]
OFFICE OF THE COURT

In the Superior Court of the State of Washington
For the County of King

JUVENILE DEPARTMENT

STATE OF WASHINGTON,
Plaintiff,

NO. 86-8-02275-1

v.

Steven Daniel Swenson

Unlawful Imprisonment
Simple Assault
86207809

SUBPOENA

B.D. 8-04-72
Respondent.

TO: Anthony Vega
6317- 11th NW
Sea 789-3233

D. L. McCoy (Officer) #3260
SPD Unit 423 625-4056

Nicole Johns
5338 - 7th NE
Sea 524-3157

Det. Vanderlaan #3134
Unit 352 SPD 625-4431

Millisa Miller
1101 NW 65th
Sea 784-3068

Jon Love

NOTICE

Deputy Prosecuting Attorney,
will try the above entitled case for the State. 343-252

Carolyn McKee - Paralegal

IN THE NAME OF THE STATE OF WASHINGTON, You are hereby commanded to be and appear at the SUPERIOR COURT of the STATE OF WASHINGTON, King County, in the court room at 1211 East Alder Street, SEATTLE, at 1:15 o'clock in the afternoon of the 1st day of October, 19 86, to testify as a witness in the above-entitled cause pending, and to remain in attendance at said court until discharged, and HEREIN FAIL NOT AT YOUR PERIL. Failure to comply may be cause for a warrant for your arrest and punishment for failure to appear.

*08-01-86 Harris, John disconnected at
08-01-86 5th witness moved
no forwarding
Pres I present in
house (4) 11-11-86*

Signed thereof, this day
M. JANICE MICHELS, Superior Court Clerk

BY: Gloria Gallegos

SUBPOENA RETURN

I hereby certify that I personally served the above subpoena on each person whose name appears above by (giving him/her a true copy) (leaving a true copy at the place of his/her business/residence with _____) in King County, Washington.

Re 6-11-86

[Signature]
Officer of the Court

In the Superior Court of the State of Washington
For the County of King

JUVENILE DEPARTMENT

STATE OF WASHINGTON,

NO.

86-8-02275-1

Plaintiff,

v.

Steven Daniel Swenson

Unlawful Imprisonment
Simple Assault
86207809

SUBPOENA

B.D.

8-04-72

Respondent.

TO:

Anthony Vega
6317- 11th NW
Sea

789-3233

D. L. McCoy (Officer) #3260
SPD Unit 423 625-4056

Nicole Johns
5338 - 7th NE
Sea

524-3157

Det. Vanderlaan #3134
Unit 352 SPD 625-4431

Millisa Miller
1101 NW 65th
Sea

784-3068

Jon Love

NOTICE

Deputy Prosecuting Attorney.
will try the above entitled case for the State. 343-2521
Carolyn McKee - Paralegal

IN THE NAME OF THE STATE OF WASHINGTON, You are hereby commanded to be and appear at the SUPERIOR COURT of the STATE OF WASHINGTON, King County, in the court room at 1211 East Alder Street, SEATTLE, at 1:15 o'clock in the afternoon of the 1st day of October, 19 86, to testify as a witness in the above-entitled cause pending, and to remain in attendance at said court until discharged, and HEREIN FAIL NOT AT YOUR PERIL. Failure to comply may be cause for a warrant for your arrest and punishment for failure to appear.

krd

Seal thereof, this day
M. JANICE MICHELS, Superior Court Clerk

BY: Gloria Gallegos

SUBPOENA RETURN

I hereby certify that I personally served the above subpoena on each person whose name appears above by (giving him/her a true copy) (leaving a true copy at the place of his/her business/residence with _____) in King County, Washington.



**SUPERIOR COURT OF WASHINGTON
COUNTY OF KING
JUVENILE COURT**

State of Washington v. **STEVEN DANIEL
SWENSON**

NO. **86-8-0-22-75-1**

**ORDER WAIVING HEARING AND
SETTING FOR PLEA**

BD

I BASIS

The respondent having been arraigned and the parties having set a case setting hearing, both parties agree that said hearing may be waived, pursuant to the following agreement:

The respondent, having received discovery and discussed the case and the elements of the offense with counsel, has tentatively decided to enter a plea of guilty to the offense(s) charged in Count(s) _____ of the information () to the offense(s) charged in the information to be amended on motion of the State as follows:

UNLAWFUL IMPRISONMENT
SIMPLE ASSAULT
SIMPLE ASSAULT

The prosecutor has tentatively agreed to make the following recommendation at the disposition of the case:

COUNT I: **4 DAYS CONFINEMENT; COM. SUPERVISION 3 MOS**
COUNT II: **16 HRS. COM. SVC.; COM. SUPERVISION 2-6 MOS**
COUNT III: **16 HRS. COM. SVC.; COM. SUPERVISION 3-6 MOS.**

II ORDER

Adj finding
The case setting hearing set for **OCTOBER, 1, 1986** is stricken.

The case shall be set over for plea and disposition, to be held the **19TH** day of **November**, 19**86** at **8:45** A.M. and the speedy trial rule is waived between the date of this order and the date for plea and disposition.

Lawyer for respondent has confirmed the next court date with respondent.

Dated: **Sept 30, 1986**

Karen A. Willis
Deputy Prosecuting Attorney

[Signature]
Judge/Court Commissioner
[Signature]
Lawyer for Respondent

Respondent _____

Probation Officer _____ Mail Stop _____

Date approved by Clerk of Court **16**
8

ORDER WAIVING HEARING AND
SETTING FOR PLEA/DISPOSITION



**SUPERIOR COURT OF WASHINGTON
COUNTY OF KING
JUVENILE COURT**

NOV 19 86 9:33

State of Washington v.

Steven Silverman
8-4-72

NO. *86-8-02275-1*

ORDER ON () REVIEW () OTHER

I. BASIS

- 1.1 A *Plea/Recps* hearing was set before the undersigned on *11-19-86 9:00 AM*
- 1.2 Persons appearing were: the respondent and parent(s); the Prosecuting Attorney _____;
Probation Counselor _____; and Counsel _____
(see Clerk's minutes).

II. FINDINGS

- 2.1 () The respondent failed to appear.
Probable cause has been established.
- 2.2 OTHER: *more time is needed to complete the social evaluation.*
- 2.3 () An arraignment was held. A plea of () not guilty () guilty was entered.

III. ORDER

- 3.1 () A warrant of apprehension shall issue for respondent.
- 3.2 () The Court's order dated _____ is hereby amended as follows: _____
- 3.3 The hearing set for *11-19-86* is stricken.
- 3.4 The next Court appearance is set for *2-11-87* at *9:00* am/pm for a *Plea/Recps* hearing.
- 3.5 IT IS FURTHER ORDERED: *specdy time tolled from 11/19/86 to 2/11/87*

Dated: *11/17/86*
Presented by: _____

[Signature]
Judge/Commissioner

Approved/Copy Received:
N. Max Iwano
Deputy Prosecuting Attorney
[Signature]
Probation Counselor

Clerk of Court/Date Approved *[Signature]*
Lawyer for Respondent *[Signature]*
Respondent *[Signature]*

JUN 8 1986 3:53

LCK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

STATE OF WASHINGTON,)	
)	
Plaintiff,	)	NO. 86-8-02275-1
)	
vs.	)	CERTIFICATION IN SUPPORT OF
	)	MOTION AND ORDER PERMITTING
STEVEN DANIEL SWENSON	)	AMENDMENT OF INFORMATION
)	
B.D. 08/04/72)	
)	
Respondent.)	

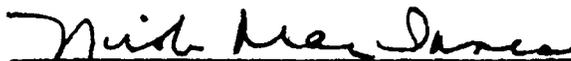
That Nicole MacInnes, is a deputy prosecuting attorney in and for King County, Washington; and is familiar with the records and files herein; that since the filing of the Information on 5 June 1986, the following (as checked) has occurred:

- () [a] new charge[s] have [has] been received by the Prosecutor's Office; that the Information should be amended to add this [these] new charge[s];
- () that an error was made in the date of the offense charged in the Information; that the Information should be amended to correct the date of the offense;
- () that an error was made in the charging language of the Information but the offense remains the same; that the Information should be amended to correct the charging language;
- The amended Information more accurately describes the respondent's criminal behavior;

() _____

that based upon the above an order should be entered permitting the filing of an amended Information.

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 27th day of November 1986, at Seattle, Washington.



NICOLE MACINNES

Senior Deputy Prosecuting Attorney

15 DEC -8 3:53

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

STATE OF WASHINGTON,)	
)	
Plaintiff,	)	NO. 86-8-02275-1
)	
vs.	)	MOTION AND ORDER
	)	PERMITTING AMENDMENT OF
STEVEN DANIEL SWENSON	)	INFORMATION
)	
B.D. 08/04/72)	
)	
Respondent.)	
)	

COMES NOW Norm Maleng, Prosecuting Attorney for King County, Washington, by and through his deputy, Nicole MacInnes, and moves the Court for an order permitting amendment of an Information, filed herein 5 June 1986, for the reasons as set forth in the certification attached hereto.

NORM MALENG
Prosecuting Attorney
By: *Nicole MacInnes*
NICOLE MACINNES
Senior Deputy Prosecuting Attorney

ORDER

THIS MATTER coming on regularly for hearing before the undersigned Judge/Court Commissioner of the above-entitled Court on the day below named, upon application of the state of Washington for leave to file an amended information herein, and the court being fully advised in the premises; NOW, THEREFORE,

19

IT IS HEREBY ORDERED that the state of Washington,
Plaintiff, be and hereby is permitted to file an amended
information herein.

DONE IN OPEN COURT this 5th day of December,
1986.



JUDGE/COURT COMMISSIONER

Presented by:



NICOLE MACINNES
Senior Deputy Prosecuting Attorney

NO. 86-8-02275-1

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

STATE OF WASHINGTON,)	
)	
Plaintiff,	)	NO. 86-8-02275-1
)	
v.	)	SECOND AMENDED INFORMATION
)	
STEVEN DANIEL SWENSON)	
B.D. 8/4/72)	
)	
Respondent.)	
)	

I, Norm Maleng, Prosecuting Attorney for King County in the name and by the authority of the state of Washington, do accuse Steven Daniel Swenson, of the crime of UNLAWFUL IMPRISONMENT, committed as follows:

That the respondent Steven Daniel Swenson, in King County, Washington, on or about 3 May 1986, did knowingly restrain Anthony Vega, Nicole Johns and Melissa Miller, human beings;

Contrary to RCW 9A.40.040, and against the peace and dignity of the state of Washington.

COUNT II

And I, Norm Maleng, Prosecuting Attorney aforesaid further do accuse Steven Daniel Swenson, of the crime of SIMPLE ASSAULT, a crime of the same or similar character as Count I, committed as follows:

That the respondent Steven Daniel Swenson, in King County, Washington, on or about 3 May 1986, did assault Anthony Vega, a human being;

Contrary to RCW 9A.36.040, and against the peace and dignity of the state of Washington.

10

COUNT III

And I, Norm Maleng, Prosecuting Attorney aforesaid further do accuse Steven Daniel Swenson, of the crime of SIMPLE ASSAULT, a crime of the same or similar character as Counts I and II, committed as follows:

That the respondent Steven Daniel Swenson, in King County, Washington, on or about 3 May 1986, did assault Nicole Johns, a human being;

Contrary to RCW 9A.36.040, and against the peace and dignity of the state of Washington.

NORM MALENG
Prosecuting Attorney



By
NICOLE MACINNES
Senior Deputy Prosecuting Attorney

For
JONATHAN LOVE
Deputy Prosecuting Attorney

(KAREN A. WILLIE) (P)

TRIAL/NON-TRIAL

SCOMIS Code:

PREHRG DISPHRG SCHR
 POSTHRG MINUTE NJ Trial

Department No. Juvenile

Judge/Court Commissioner: Jack A. Rickus

Date: February 11, 1987

Coordinator: Tom Radabaugh

Page 1 of 1

Courtroom Clerk: Christina H. Harty

Court Reporter/Recorder: Carol III

King County Cause No. 86-8-02275-1

In Re: The Welfare Of: _____

STATE OF WASHINGTON vs: Steven D. Swenson

Type of Hearing: Pls. Disposition

Deputy Prosecuting Attorney: Karen Willie

Assistant Attorney General: _____

Respondent: Present

Respondent's - Guardian Ad Litem: _____

Attorney: Wesley Salber

Parent(s): David Swenson father

Agency Caseworker(s): Candy Wickman, probation counselor

Minute Entry

Statement of Juvenile Division on Pls. of Swenson is accepted by the Court on Counts I, II, and III, as an Alfred plea.

The Court Orders:
9 Months Community Supervision
24 hours Community Service to be performed at the rate of 8 hours per month; that 8 hours due 3-11-87

Respondent shall participate in a psychological evaluation and counseling as directed.

Victims' Rights Agreement is annexed. Order is signed.

FILED
KING COUNTY JUVENILE COURT

FEB 11 1997

SUPERIOR COURT CLERK
BY CYNTHIA MALEY
DEPSTV



NO. 86-8-02275-1

State of Washington v.

STATEMENT OF JUVENILE
OFFENDER ON PLEA OF GUILTY

STEVEN DANIEL SWENSON

1. My true name is STEVEN DANIEL SWENSON
2. My true age is 14 years and I am competent to understand the charge(s) and the consequences of my action.
3. I know that I have the right to a lawyer, and that if I cannot afford to pay for a lawyer, the Court will provide me with one at no cost.
4. My lawyer is Wes Hohlbein
5. The Court has told me that I am charged with the offense(s) of CT 1 unlawful imprisonment; CT 2 simple assault; CT 3 simple assault and I have been given a copy of the charge(s).

6. The Court has told me and I am aware that:
 - (a) I have the right to hear and question witnesses who might testify against me.
 - (b) I have the right to have witnesses testify for me. These witnesses may be required to appear at no cost to me.
 - (c) I have the right to testify on my own behalf but I do not have to testify on my own behalf, and the fact that I choose not to testify on my own behalf cannot be held against me.
 - (d) The offense(s) I am charged with must be proven beyond a reasonable doubt.
 - (e) I have a right to appeal a conviction after a trial.
 - (f) If I plead guilty I give up these rights, and I cannot change my plea. If the Court in making its disposition enters a disposition outside the standard range, after making a finding of manifest injustice, I understand that either the State or I may appeal.

7. I have been told that the Court will consider my criminal history. My criminal history is (offense/date):
None

8. I have been told that with my criminal history and present offense(s) I am classified as a [] minor/first offender [] neither a minor/first nor a serious offender [] serious offender. middle offender

The Court has told me that the standard sentence range for the charge(s) is COMMUN 1/56-

CT 1	3-6 months	6-32 COMM. FUG.	0-25 fine	2-4 days
CT 2	0-6 months	0-8	0-10	0
CT 3	0-3	0-8	0-10	0

[] (if box is checked) or a term of community supervision for a period of not more than 1 year which may include one or more of the following: [a] up to \$100 fine [b] up to 150 hours of community service [c] attend information and/or counseling [d] detention of up to 30 days (no detention time for minor/first offender).

9. I have been told that the Prosecuting Attorney will take the following action and make the following recommendation to the Court:

average
of 1 3-11 months ES. 16 hours SVC 2 days detention
of 2 3 " " " " "
of 3 3 " " " " "

10. I have been told that the Probation Counselor will take the following action and make the following recommendation to the Court:

months
of 1 3 months supervision 16 mo. C.S. H.S.
of 2 3 months " " "
of 3 3 " " " "

11. I have been told that the Court does not have to follow either the Prosecuting Attorney's or the Probation Counselor's recommendation for my sentence, and could commit me to the Department of Institutions until my 21st birthday. I have also been told that if I plead guilty to this/these offense(s) that it/they will become a part of my criminal history.

12. The Court has asked me to state in my own words what I did that resulted in my being charged with the offense(s). This is my statement.

3 months - acts of plea -
On 7-16-86 I was charged with carrying a dangerous weapon (knife) and another child and I was accused of threatening them with a knife and taking advantage of them. I do not agree with these facts but feel that I would be convicted if I went to trial. I want to plead guilty to take advantage of the recommendation of the prosecutor.

13. I plead guilty to the charge(s) as alleged in Count(s) 1, 2 & 3

14. I make this plea freely and voluntarily. No one has threatened to harm me or anyone else in order to have me plead guilty.

15. No one has made any promises to make me plead guilty, except as written in this statement.

16. I have read or someone has read to me everything printed above and I have been given a copy of this statement. I have no more questions to ask the Court.

Dated: 11 Feb 1987
Steven Swanson
JUVENILE OFFENDER'S SIGNATURE

I have carefully gone over the above enumerated items #1--16 with my client and I believe that he/she fully understands them and that he/she is entering this plea knowingly, intelligently, and voluntarily

[Handwritten signature]

DATE

Attorney for Respondent

Parent, guardian or custodian signature in the event child is under twelve (12) years of age.

Parent, guardian, custodian

The above statement was read by or read to the alleged offender and signed by the juvenile

in the presence of his/her Attorney

Prosecuting Attorney

and the undersigned Judge/Court Commissioner in open Court.

FEB 12 1987

JACK A. MICHEY
COURT COMMISSIONER

Judge/Court Commissioner

Dated:

2-11-87

Approved for Entry:

Karen H. Gillie

Deputy Prosecuting Attorney

Lawyer for Respondent

INDEX	STATE	BULL.
CR	ADD'L	FILE
WARRANT	OTHER	

FOLLOW-UP REPORT

SEATTLE POLICE DEPARTMENT

PRESENT DATE 5/ 6/86	INCIDENT NUMBER 86-207809
-------------------------	------------------------------

TYPE OF INCIDENT ASSAULT	DATE OF INCIDENT 5/ 3/86	UNIT FILE NUMBER
-----------------------------	-----------------------------	------------------

ORIGINALLY REPORTED AS SAME	LOCATION OF INCIDENT 1000BLOCK OF NW 65TH
--------------------------------	--

CTIM (1) VEGA, ANTHONY	ADDRESS 6317-11TH NW.	PHONE 789-3233
---------------------------	--------------------------	-------------------

CASE DISPOSITION: CLEARED (ARREST—UNFOUNDED—REFERRAL JUVENILE CT.—EXCEPTIONAL CLEARANCE); AT LARGE WARRANT: ETC. REFERRED TO JUVENILE COURT

PROPERTY: RECOVERED ADDITIONAL STOLEN FURTHER DESCRIPTION [INDICATE ID MARKS—COLORS—SIZES—SERIAL NUMBERS—DISPOSITION—VALUE, ETC. AS FIRST ENTRY BELOW.]

E N T R Y
 COMMENCE EACH ENTRY WITH A NUMBER AND THE DATE AND TIME
 SUSPECT: INCLUDE NAMES, B/A NUMBERS, DESCRIPTIONS, DISPOSITION, CAN VICTIM IDENTIFY, ETC.
 GENERAL: SUMMARIZE STEPS OF INVESTIGATION; INCLUDE PERSONS INTERVIEWED, ADD'L WITNESSES, RESULTS OF INTERROGATIONS, EVIDENCE, BUSINESS ADDRESSES AND PHONES, ETC.
 CASE M.O.: INDICATE ADD'L M.O. FACTORS NOT INCLUDED ON OFFENSE REPORT.

RD JN# SWENSON, STEVEN DANIEL, W/M, DOB 8/ 4/1972, ADDRESS: 1107-NW 65TH, 782-4438
 CHARGED: ASSAULT 2 & UNLAWFUL IMPRISONMENT

AD ADDITIONAL VICTIMS:
 (2) JOHNS, NICOLE 5338-7TH NE 524-3157
 (3) MILLER, MILLISA 1101NW-65TH 784-3068

5/ 6/86 0700hrs. Assigned Case. Statements of victims attached to case.
 0730hrs. Spoke with a Daniel Swanson, who identified himself as Steven's father and who gave the above information about his son. His son attends the McGraw School. It was explained to the father that his son had been involved in the listed incident. The father asked as to the time of the incident and he was told The father then stated that his son couldn't have done it since he wasn't gone from the house for more than an hour and that his son had call-d him on the phone during that time. The father then asked what date it occurred and he was told it was 5/ 3/86. The father stated that he was now sure his son couldn't have been involved and asked why he was called. It was explained to him that as a parent he might be interested in what his son was involved in. Mr. Swenson was then asked what day the 3rd fell on and his answer was Sunday. When it was explained to him that the 3rd was a Saturday Mr. Swenson stated that his son was at his mother's house in South Seattle and couldn't have been involved. Mr. Swenson stated that he would like his lawyer to have a copy of the report when the lawyer was called

INVESTIGATING OFFICER R. Vanderlaan	SERIAL 3134	UNIT 352	INVESTIGATING OFFICER	SERIAL	UNIT	APPROVING OFFICER <i>Robert B. Arvey 19</i>
--	----------------	-------------	-----------------------	--------	------	--

DISTRIBUTION RECORDS DETECTIVES PRECINCT 1 COURT UNIT 10 JUVENILE OTHER

SEATTLE POLICE DEPARTMENT

INCIDENT NUMBER

86-207809

ITEM OR ENTRY

CONTINUATION SHEET

(1) OFFENSE AND ARREST (2) FOLLOW-UP (3) TRAFFIC INCIDENT CASE SUMMARY

UNIT FILE NUMBER

- 2 cont'd The interview was terminated.
3. 0745hrs. Contacted Millisa Miller's mother who stated that she wouldn't be interested in prosecution.
4. 0750hrs. Spoke with Anthony Vegas parents and they would like to prosecute.
5. 0755hrs. Spoke with Nicole Johns who stated that she knows Steve and where he lives and has no doubt it was him who was involved. She stated that her mom was not available for the phone and asked to leave a message.
6. 0800hrs. Spoke with Terry Doyle who stated that he is a friend of Mary Johns and that the kids had been at his place for dinner and that they had come to him and complained about the matter and that he and his friend Mary Johns, Nichole's mother, had called police. They are concerned about any future happenings with this suspect and would like something to be done to prevent other things from happening. Mr. Doyle stated that the unidentified boy mentioned in the reports remains unidentified. Mr. Doyle also stated that the suspect's father did not come to the scene but that the kids approached him at his house and told him about the incident and that the suspect then told his father he was only playing a game.
7. 0845hrs. Spoke with Mr. Daniel Swanson again. Mr. Swanson was asked if any kids approached him about his son Steven on Saturday. He stated he was at approximately 3:00 PM. He stated that he did take a knife away from Steve at that time and that Steve then left for his mother's house. He stated that it was the girl next door who had approached him. (Melissa lives next door)
8. 0910hrs. Spoke again with Mr. Doyle who stated that the kids, Anthony and Nicole, had come home late for dinner and that during the dinner they had recounted their story about Steven.

INVESTIGATING OFFICER

SERIAL

UNIT

INVESTIGATING OFFICER

SERIAL

UNIT

APPROVING OFFICER

Det. H. Vanderlaan 3134

352

A. S. G. B. Brown

SEATTLE POLICE DEPARTMENT

INCIDENT NUMBER

86-207809

UNIT FILE NUMBER

ITEM
OR
ENTRY

CONTINUATION SHEET

(1) OFFENSE AND ARREST (3) TRAFFIC INCIDENT
(2) FOLLOW-UP CASE SUMMARY

9. 1230hrs. Went to the 1000block of NW 65th and found the newspaper shack
to be a newspaper recycling box located on the NW corner of 11th NW-65th.
CASE REFERRED TO JUVENILE COURT.

INVESTIGATING OFFICER SERIAL UNIT INVESTIGATING OFFICER SERIAL UNIT APPROVING OFFICER
DET. H. VANDERLAAN 3132 352 [Signature] 391

SEATTLE POLICE DEPARTMENT INCIDENT REPORT

MAY 20 AM 5

<input checked="" type="checkbox"/> INCIDENT AND ARREST	INCIDENT NUMBER
<input type="checkbox"/> INCIDENT ONLY	86-207809
<input type="checkbox"/> ARREST ONLY	

DO NOT DISCLOSE NOT DISCUSSED DISCLOSE

I HEREBY DECLARE THE FACTS HEREIN REPORTED BY ME ARE TRUE AND CORRECT. I UNDERSTAND THAT BY FILING A FALSE REPORT, I MAY BE SUBJECT TO CRIMINAL PROSECUTION.

HAZARD TO OFFICER DOMESTIC VIOLENCE

INCIDENT CLASSIFICATION Assault N/W	TOOL/WEAPON USED Knife	METHOD OF TOOL/WEAPON USE
---	----------------------------------	---------------------------

LOCATION 1000 blk NW 65th	FIRM NAME	CENSUS 031	BEAT E-2
-------------------------------------	-----------	----------------------	--------------------

TYPE OF PREMISE (FOR VEHICLES STATE TYPE AND WHERE PARKED) Paper Shack	POINT OF ENTRY
--	----------------

DATE/TIME REPORTED 5-3-86 2030 hrs	DAY OF WEEK Sat	DATE/TIME OCCURRED 5-3-86 bet 1645 & 1815 hrs	DAY OF WEEK Sat
--	---------------------------	---	---------------------------

EVIDENCE SUBMITTED FINGERPRINT SEARCH MADE FINGERPRINTS FOUND LAB EXAM REQUESTED

DO NOT DISCLOSE

CODE	C (PERSON REPORTING, COMPLAINANT)	V (VICTIM)	W (WITNESS)	INJURED	HAS USABLE TESTIMONY
CODE	NAME (LAST, FIRST, MIDDLE) V Vega, Anthony	RACE/SEX/D.O.B. (OPTIONAL) WM 10	HOME PHONE 784 3233	HOURS	
ADDRESS 6317 11th NW	ZIP CODE	OCCUPATION (OPTIONAL) Student	WORK PHONE Westwoodland elem	HOURS	

CODE	NAME (LAST, FIRST, MIDDLE) V Johns, Nichole	RACE/SEX/D.O.B. (OPTIONAL) WF 9	HOME PHONE 524 3157	HOURS 36-5404	
ADDRESS 5338 7th NE	ZIP CODE	OCCUPATION (OPTIONAL) Student	WORK PHONE University Heights edw	HOURS	

NAME (LAST, FIRST, MIDDLE) Steven	RACE/SEX/D.O.B. WM 12	HEIGHT	WEIGHT	HAIR	EYES	SKIN TONE	BUILD
ADDRESS 1107 NW 65th	HOME PHONE	WORK PHONE	WORK HOURS	OCCUPATION	EMPLOYER/SCHOOL	RELATIONSHIP TO VICTIM	

CLOTHING, SCARS, MARKS, TATTOOS, REGULARITIES, A.K.A.

CHARGE DETAILS (INCLUDE ORDINANCE OR R.C.W. NUMBER AND CHARGE NARRATIVES)

BOOKED Y.S.C. K.C.I. 62 P.T.S.D. K.C.I. 61 K.C.I. 63

ADDITIONAL PROPERTY (PROPERTY FORM 637.1 MUST BE ATTACHED) NOTHING TAKEN UNKNOWN AT TIME OF REPORT VICTIM FOLLOW-UP LEFT

ARTICLE TYPE	BRAND NAME	VALUE
<input type="checkbox"/> STOLEN <input type="checkbox"/> RECOVERED	SERIAL NUMBER	OWNER APPLIED NUMBER
MODEL NUMBER		
COLOR, SIZE, DESCRIPTION, CALIBER, BARREL LENGTH, ETC.		

1. ADDITIONAL PERSONS - DOB, NAME, RACE, SEX, D.O.B., ADDRESS, INJURY, HOSPITALIZATION, HOME AND WORK PHONES, HOURS, AND IF DISCLOSURE OF NAME IS PERMITTED.
2. ADDITIONAL SUSPECTS - DETAIL INFORMATION IN SAME ORDER AS SUSPECT BLOCK.
3. VICTIM'S INJURIES - DETAILS AND WHERE MEDICAL EXAM OCCURRED.
4. PROPERTY DAMAGED - DESCRIBE AND INDICATE AMOUNT OF LOSS.
5. PHYSICAL EVIDENCE - DETAIL WHAT AND WHERE FOUND, BY WHOM, AND DISPOSITION.
6. VEHICLE USED BY SUSPECT AND DISPOSITION.
7. NAME, ADDRESS, PHONE NUMBER OF JUVENILE'S PARENTS/GUARDIANS. NOTE IF CONTACTED AND IF INCIDENT ADJUSTED.
8. LIST STATEMENTS TAKEN AND DISPOSITION.
9. RECONSTRUCT INCIDENT AND DISCUSS INVESTIGATION.
10. OUTLINE TESTIMONY OF PERSONS MARKED "HAS USABLE TESTIMONY" ON FRONT.

REM. NO.

1. Victim/ Miller, Millisa 1101 NW 65th WF 9 784 3068 Student
St Alphonses

Complainant/ Johns, Mary 5338 7th NE 524 3157

Complainant/ Doyle, Terry 166 NW 67th 784-1932

9. On Saturday 5-3-86 at approx 16⁴⁵ hrs the three victims were playing in the paper shack located in the lot on the northwest corner of

PRIMARY OFFICER D. J. Miller	SERIAL 3260	UNIT 423	SECONDARY OFFICER Sgt. [Signature]	SERIAL 3488	UNIT 423	APPROVING OFFICER [Signature]	SERIAL 3488
--	-----------------------	--------------------	--	-----------------------	--------------------	---	-----------------------

86-207809

SEATTLE POLICE DEPARTMENT

INCIDENT NUMBER

86-207809

UNIT FILE NUMBER

ITEM OR ENTRY

CONTINUATION SHEET

(1) OFFENSE AND ARREST (2) FOLLOW-UP (3) TRAFFIC INCIDENT CASE SUMMARY

cont Steven, the suspect, entered the shack and took a large hunting type knife from one of his pockets. Steven is described as being mentally slow and involved in the special education program at his school (unknown at this writing.) For the next approximately One and One-half hours Steven held the three victims at knifepoint. He made cutting motions in the air very close to the bodies of the victims. He put the blade on the arm of victim Anthony Vega's arm and pressed it against the skin. He briefly put the point of the knife against the stomach of victim Nichole Johns. He threw the knife into the wall just inches from victims Anthony Vega's head several times. He made many threats to stab and kill the victims if they told anybody what he was doing. Victim Miller was able to get away and get the suspects father. All the victims were very frightened and thought the suspect would really hurt them. The suspect apparently told his father he was only playing a game with the victims. R.O. obtained statements from all the victims. R.O. went to the home of the suspect in an attempt to apprehend the suspect. Neither the suspect nor his father appeared to be home. Incident screened by A/S-Bessera

INVESTIGATING OFFICER D.J. Miller	SERIAL 27 (4)	UNIT 423	INVESTIGATING OFFICER	SERIAL	UNIT	APPROVING OFFICER Det. Martin 2408
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SEATTLE POLICE DEPARTMENT

INCIDENT NUMBER

76-207809
UNIT FILE NUMBER

ITEM OR ENTRY

CONTINUATION SHEET

(1) OFFENSE AND ARREST (2) FOLLOW-UP
(3) TRAFFIC INCIDENT CASE SUMMARY

cent / R.O. had all the victims complete a statement about the incident. The parents of the victims are fearful about the death threats made by the suspect to the victims

INVESTIGATING OFFICER <i>W. L. Miller</i>	SERIAL 3260	UNIT 423	INVESTIGATING OFFICER	SERIAL	UNIT	APPROVING OFFICER <i>Det. W. Horton</i>	2448
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UNIT FILE NUMBER

SEATTLE POLICE DEPARTMENT

INCIDENT NUMBER

86-207809

DATE

TIME

PLACE

STATEMENT OF

~~First~~ first me and Nicole went up to the news-
~~paper~~ picnic and we started to eat and ~~the~~
malissa came by and came into the newspaper stand
and ate with us then they saw Steven and went
to hide and cl stayed behind. then he came up
and said "Hey baby-brains, where did they go!?"
and cl said "cl don't think they want me to tell you!"
then he said "tell me or i'll kick your ass!" "but
cl still don't think they want me to tell you!"
"tell me or i'll kick your ass!" then he hopped
in the stand and made a pit to my face and said
"tell me" then cl told him to "There over
by the car" then he hopped out and went over
and looked around then ~~he~~ disappeared around
the church then the girls came around the
other side of the church and hopped into the
stand. for about fifteen minutes we talked
of about things that had ~~no~~ nothing to do
with Steven just about the ~~new~~ dog of nicole
and things like that. then cl spotted Steven
so we all got down under the newspaper
to hide. then he jumped up into the ~~new~~
paper stand and then the girls screamed so
he knew we were in it then hopped in and start
saying things and accusing malissa about giving

STATEMENT TAKEN BY

Anthony

SIGNED

Anthony [Signature]

WITNESS

Nicole

WITNESS

Nicole

UNIT FILE NUMBER

SEATTLE POLICE DEPARTMENT

INCIDENT NUMBER

86-207809

DATE

TIME

PLACE

STATEMENT OF:

him, the slip. Then mollison said he had a knife and he brought it out and he said "I found it in my back pocket" ~~then~~ for about another five minutes I forgot ~~something~~ some of it. When my memo of returned I remember him showing me over to the girls and started to say "get down or I'll injure you badly, for you don't want any body to see us" then Nicole and mollison refused. Then steven started to put the knives to our stomachs and said "down or I will kill you" then turned and mollison and nicole jumped out really quick ~~to~~ and I got stuck behind. Then steven pulled me over and said "if I see ~~to~~ tell I'll kill your brother here" (I thought I was nicole's brother) and ~~to~~ put the knife ~~to~~ to my chest showing the girls. Then the girls ran away saying na-na-na-na-na. So steven jumped out and said "if you try to escape I'll kill you" and went to chase the girls. So then I did try to get out then he came back when I was half way out and yelled "Get your fat ass back in there" and started poking me gently into the stand. Then started throwing the knife close to me and stabbing the wall next to me then some person that he

STATEMENT TAKEN BY:

SIGNED:

WITNESS:

WITNESS:

mine came by and he said "they come and help
me keep this kid in here." and the other boy said
"No thanks, ~~so~~ why don't you let him go." because
he saw the knife about a minute later. then nallies
said "I'ma going to get your dad" then steven said "Do
not ~~kill~~ kill him." then the other kid went with
nallies. then when they come back saying his dad
~~was~~ wanted him he dropped the knife out and ~~was~~
bleeding guilty saying "but it was only a joke" and
so on. then he went off ~~to~~ and we went ~~to~~ up to
Ballard High and talked about it and played around

DATE 5-3-86 TIME _____ PLACE _____

STATEMENT OF: Melissa Miller I went across the street and met nicol and antonio as we tried to get nicol's dog and steven came and he said that he would kill antonio and I said let's leave and I went out there did not get out and I said steven I am going to tell and he took his knife and put it up to nicol in her stomach and then he said too antonio I am going to kill you and nicol he said to me that I could go but I said I'm not leaving antonio said to him do not touch me with that knife but steven tried to hurt him nicol said I am leaving and so did I antonio said I am not leaving so we stayed we all said that you better leave us slow and then I said I'm going to tell and I got out bill came and said go tell Nikol got out to and went with me and then I said your dad wants you so steven leave us

STATEMENT TAKEN BY

SIGNED Melissa Miller

WITNESS

WITNESSES

DATE 5/3/86

TIME

PLACE

STATEMENT OF:

first Me and anthony were going to have a picnic. Then we saw Melissa and she and I went around the church while Steven was threatening anyone to know where we were. we came back and hid ~~in~~ in the paper stand. He found us and teased us. Then he started threatening to kill us if we told. ~~He started to~~ He started to point the knife at us. He pointed it at all of us. anthony in the arm. Melissa in the neck and me in the stomach. He said a lot of bad words. some of the words were "the s" word the "f" word and the "d" word. He sort of joked around but he cut my friend on the hand. when he finally let us go. He dropped the knife ~~to~~ about 3" inches from my dog's paw. I picked it up and gave it to the big boy, and he gave it to the bag with the knife.

STATEMENT TAKEN BY:

[Signature]

SIGNED:

[Signature]

WITNESS

[Signature]

WITNESS

[Signature]



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING
JUVENILE COURT

FILED
KING COUNTY, WASHINGTON

FEB 11 1987

SUPERIOR COURT CLERK
BY CYNTHIA MALEY
DEPUTY

State of Washington v.

NO. '86-8-02275-1

Steven Swenson

ORDER OF DISPOSITION (INFORMATION)

I. BASIS

1.1 A dispositional hearing was held in this case on: February 11, 1987

1.2 Persons appearing at the hearing were:

- Juvenile
- Juvenile's lawyer Nalbein
- (Deputy) Prosecuting Attorney Wilkie
- Probation Counselor Wickman
- Other father

II. FINDINGS

Based on the testimony heard and the case record to date: the Court finds:

plea - Alford

2.1 The above named juvenile was found guilty by _____ of the offense(s) of:

Ch I - Unlawful Imprisonment () the Court
Ch II - III - Simple Assault (as amended)

2.2 RESTITUTION

- That damage was done to the victim in the amount of _____
- The amount of loss cannot be determined at this time.
- That the juvenile has the present ability to pay restitution in the amount of _____
- That the juvenile does not have the present ability to pay restitution, however that the juvenile will develop the ability to pay restitution.
- That the juvenile does not have the present ability to pay restitution and cannot reasonably acquire the means to pay.

2.3 CATEGORY OF OFFENDER

The juvenile is:

- A minor or first offender
- A middle offender
- A serious offender

2.4 MANIFEST INJUSTICE

- A disposition within the standard range for this offense would effectuate a manifest injustice. Findings of fact and conclusions of law to be presented by _____ 19__

3.2 CONDITIONS OF PROBATION: That while on community supervision the juvenile offender shall be under the charge of a probation counselor and comply with the following conditions: (1) must have parent/guardian's permission regarding whereabouts, hours, and activities (2) must report any change in residence, school, or work status to probation counselor. (Obtain permission from probation counselor before changing residence) (3) must have probation counselor's permission for out of state travel and (4) must keep all appointments with probation counselor. Must further comply with any conditions set forth in writing, signed by juvenile offender, lawyer and filed herein, during the term of community supervision.

3.3 JURISDICTION

() Jurisdiction is extended to _____ for purposes of restitution/community supervision.
() Jurisdiction is transferred to _____ County for purposes of supervision.

3.4 () The following counts are hereby dismissed _____

3.5 This order shall remain in full force and effect until further order of the Court or until the same is revoked, modified or changed, or terminated by an order of the Court or by law.

3.6 That while detained authorization is granted to provide necessary medical and dental examination and treatment as professionally prescribed.

3.7 NOTICE OF FEES

All payments ordered above are payable through the registry of the Court. A cost of \$5.00 shall be collected in addition to each fee, penalty, fine or cost collected by juvenile courts. (There is no cost on payments under \$25.00.)

3.8 Other: _____

FEB 12 1987

JACK A. RICHEY
COURT COMMISSIONER

Dated: Feb 11, 1987

Judge/Court Commissioner

FINGERPRINT(S)

CERTIFICATE

I, _____
clerk of this Court, certify that the above is a true copy of the Order of Disposition in this action on record in my office.

Dated: _____

Fingerprints of: _____

Attested by: _____

M. Janice Michels

Clerk

Dated: _____

M. Janice Michels

Clerk

By _____

Deputy Clerk

By _____

Deputy Clerk