

TABLE OF CONTENTS

PERSONAL RETRAINT PETITION

First Ground.....Double Jeopardy

Second Ground.....Breach of Plea Agreement

Third Ground.....NO Notification to Seek Exceptional Sentence

Appendix A.....Cause number 06-1-00241-0 Guy Randall 1st Ident. theft

Appendix B..... Cause number 06-1-00648-2 Guy Randall 2nd Ident theft

Appendix C. Cause #06-10264-5 King Co. J & S Guy Randall 2nd Ident theft

Appendix D.....Division ONE Mandate NO. 58762-5- I
One year Collateral Attack From 2-25-09.

Appendix E. Statement of Finances: Court appointed counsel needed.

5. My lawyer at trial court was Max Harrison 2825 Colby Ave. Ste. 304 Everett, WA. 98201.
Deborah L. Wilson 110 Prefontaine PL S Ste. 200 Seattle, WA..98104.

6. I did X did not _____ appeal from the decision of the trial court. (If the answer is that I did),
I appealed to Court of Appeals Division I and State Supreme Court.

7. My lawyer for my appeal was: Jason Saunders and Maureen Cyr 1511 3rd Ste. 701 Seattle, WA
98101.

The decision of the appellate court was X was not _____ published. (If the answer is that it
was published, and I have this information) the decision is published in Pacific Coast Reporter,
Washington Judicial Decisions. NO. 58762-5- I

8. Since my conviction I have _____ have not X asked a court for some relief from my
sentence other than I have already written above. (If the answer is that I have asked, the court I
asked was NONE _____ . Relief was denied on
Name of court _____

Date of Decision or, if more than one, all dates)

(If you have answered in question 7 that you did ask for relief), the name of your lawyer in the
proceedings mentioned in my answer was _____
Name and address if known

9. If the answers to the above questions do not really tell about the proceedings and the courts,
judges and attorneys involved in your case, tell about it here: I was charged not once but three
times for the crime of Identity theft regarding Guy Randall. The State, Courtney Popp #35470
John J. Juhl # 18951 also used Cause No. 06-1-00648-2 also Guy Randall to give me a
consecutive- exceptional sentence. One victim, two cause numbers, same criminal intent =
consecutive sentence of one-hundred and forty-one months. In Snohomish County, Washington.

Then on January 26, 2007 I was sentenced to 57 months for Second Degree Identity theft
regarding Guy Randall. 06-1-10264-5 King County Terri Luken # 19554 Senior Deputy Pros..

SECOND: Punishment was changed by the court after I signed the Plea agreement regarding
Maximum Term and fine Counts 6 and 7. SEE Page 3 of 7: Statement of defendant on plea
Cause No. 06-1-00241-0. Court Changed unranked 0-12 months to 5 years 10,000 fine after
I had already examined agreement with Mr. Harrison and agreed to UNRANKED crimes and 0-
12 months.

1. I should be given a new trial or released from confinement because (State legal reasons why you think there was some error made in your case which gives you the right to a new trial or release from confinement): Double Jeopardy. Malicious Prosecution. A breach of a plea agreement is a violation of my due process rights.

2. The following facts are important when considering my case. (After each fact statement put the name of the person or persona who know the fact and will support your statement of the fact. If the fact is already in the record of your case, indicate that also) SEE GRAND'S

FIRST / SECOND / THIRD.

3. The following reported court decisions (indicate citations if possible) in cases similar to mine show the error I believed happened in my case. (If none are known, state "None Known").

- STATE V. LEYDA, 157 Wn.2d 335; 138 P.3d 610 (2006) FIRST GROUND.
- STATE V. TVEDT 153 Wn.2d 705; 107 P.3d 728 (2005) FIRST GROUND.
- STATE V. WESTLING 145 Wn.2d 607, 40 P.3d 669 (2002) FIRST GROUND.
- STATE V. ROYBAL 82 Wash.2d 577 512 P.2d 718 (1973) FIRST GROUND.
- WOOD V. MORRIS 87 Wn.2d 501, ;554 p.2d 1032 (1976) .. SECOND GROUND.
- WALLER V. FLORIDA 397 U.S. 387, 25 L.ED.2d 435, 90 S. CT. 1184 (1970) .. FIRST.
- STATE V. VAN BUREN 101 Wn.App 206; 2 P.3d 991 (2000) SECOND.
- STATE V. WALSH 143 Wn.2d 1; 17 P.3d 591 (2001) SECOND.
- STATE V. WILLIAMS 103 Wn.App. 231; 11 P.3d 878 (2000) Third Ground.
- STATE V. POPE 564 P.2d 1179 (1977)
- BOYKIN V. ALABAMA 395 U.S. 238 89 S. CT. 1709 23 L. ED. 2d 274 1969 FIRST;
- GREEN V. UNITED STATES 335 U.S. 184, 190, L. ED. 199, 78 S. CT. 221, 6 A. L. R. 2d 119 (1957)

4. The following statutes and constitutional provisions should be considered by the court. (If none are now, state, "None Known") FIFTH and FOURTEENTH Amendment.
CrR 4.2

5. This petition is the best way I know to get the relief I want, and not other way will work as well because: I have exhausted all other remedies and need proper counsel.

C. STATEMENT OF FINANCES:

If you cannot afford to pay the \$250 filing fee or cannot afford to pay an attorney to help you, fill out this form. If you have enough money for these, do not fill this part of the form. If currently in confinement you will need to attach a copy of your prison finance statement.

FIRST GROUND

The prosecution in Snohomish County and King County violated my Fifth and Fourteenth amendment rights of protection from double jeopardy and the right not to be put to the test more than once for a single course of illegal conduct.

The crime of Identity theft has one correct unit of criminal prosecution.

The State has manifestly charged Mr. Newlun with multiple thefts of one identity, namely GUY RANDALL. Not twice but three times. (SEE KING COUNTY)

Furthermore, the State in Snohomish County has put Mr. Newlun in jeopardy twice, and maliciously used the second degree identity theft, charged under a different cause number, so that it appeared as if there were more victims.

Because of this gross malice Mr. Newlun received an exceptional sentence mainly because of multiple victims and multiple indictments which should have been under one cause number. And there should have only been ONE charge of Identity Theft, RE:

GUY RANDALL. (STATE V. LEYDA 157 wn.2d 335; 138 P.3d 610) (2006)

Now the record will reflect at arraignment this was a plan hatched to manipulate the court into raising Mr. Newlun's bond amount. As the court asked, "you want me to raise his bail with no charges." The court eventually gave the State forty-eight hours to come up with more charges.

Eventually, the State was able to use the other cause number to gain an exceptional sentence, regarding GUY RANDALL in Snohomish County.

The Judgment and Sentences from King County and the information with J and S from Snohomish County clearly show where all of this originated.

SECOND GROUND

The sentencing judge in Snohomish County altered the Maximum penalty to counts six and seven of the plea agreement, at sentencing, long after I had agreed to it with my signature. Counts six and seven are (unlawful possession of an identification device.)

I signed too two un-ranked felonies with a punishment of 0-12 months only.

In the column labeled maximum penalty, when I signed it, said "un-ranked."

The judge changed the agreement and potential penalty to 5 years, 10,000 fine.

These charges were then used in the Findings of fact and conclusions of LAW to grant me an exceptional sentence. The un-ranked crimes were used to enhance the penalty, POST PLEA AGREEMENT.

Also, the State does not name a victim in the charging document concerning counts six and seven.

This was not a knowingly, voluntary and intelligently made plea agreement.

"The State undercuts a plea agreement either explicitly or implicitly through conduct indicating an intent to circumvent the agreement."

Alarminglly, not only did I not receive notice the State would be seeking a exceptional sentence, but the State used the plea agreement and Appendix A Cause#06-1-00241-0 to trick me into stipulating to aggravating factors.

The record will clearly show that on August 08, 2006 the sentencing Judge stated that because I agreed to the agravating factors he was giving me a exceptional sentence. Courtney Popp for the State again stated on August 11, 2006 that the State was not seeking a exceptional sentence. However, this is a contradictory statement which is full of double talk.

If the State was not seeking the exceptional sentence then why did the State prepare Appendix A?
SEE Counts one - seven, Shohomish County.

Third Ground

I was promised that I would not receive any sentence above eighty-four months.

The Prosecutor under-cut the agreement by encouraging the court with aggravating factors and worse yet on August 11, 2006 Courtney Popp for the State offered RCW 9.94A.535 to the judge to give me an exceptional sentence.

The State promised in the 'bargain', that they would not ask for anything more.

To make matters worse I was never informed that the State would be seeking a exceptional sentence. As a matter of fact, both counsel Mr. Harrison and Ms. Popp promised that if I plead guilty I will not be looking at any more time than 84 months, "as long as I did not ask for anything less." The record will reflect that the sentencing judge on August 08, 2006 sentenced me to 141 months. Then the State called for a "clarification" hearing on August 11, 2006 with no warning for the defendant.

At this hearing the judge did not want to change his order from 8-08-06.

So, the State had called for the hearing to be held. I saw in the courtroom three or four prosecutors with Courtney Popp as she argued with the judge and encouraged the court very openly with RCW 9.94A. 535, after the judge stated, why can't my order from August 08, 2006 stand. Courtney Popp stated to the court that the sentence from August 8th 2006 would not stand in the Appellate Court.

It is important to note that these offers for potential time, came over a eight month period.

They gradually became shorter in length and only after I was promised that

I would not get more than 84 months, did I sign the un- altered plea agreement.

The sentencing judge in Snohomish County stated, after this encouragement, that he was sentencing me to 141 months due to the "sole reason," RCW 9.94A.535, only after the State offered the RCW 9.94A.535 to the Court.

1. I do do not ask the court to file this without making me pay the \$250 filing fee because I am so poor and cannot pay the fee.

2. I have \$ 214.08 in my prison or institution account.

3. I do do not ask the court to appoint a lawyer for me because I am so poor and cannot afford to pay a lawyer.

4. I am am not employed. My salary or wages amount to \$ 0 a month. My employer is _____
Name and address of employer

5. During the past 12 months I did did not get any money from a business, profession or other form of self-employment. (If I did, it was _____
Type of self-employment

And the total income I received was \$ 0.

6. During the past 12 months I:

Did Did Not Receive any rent payments. If so, the total I received was \$ _____

Did Did Not Receive any interest. If so, the total I received was \$ _____

Did Did Not Receive any dividends. If so, the total I received was \$ _____

Did Did Not Receive any other money. If so the total I received was \$ _____

Do Do Not Have any cash except as said in question 2 of Statement of Finances. If so the total amount of cash I have is \$ 0.

Do Do Not Have any savings or checking accounts. If so, the total amount in all accounts is \$ _____

Do Do Not Own stocks, bonds or notes. If so, their total value is: \$ _____

7. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what ~~cat~~^{each} item or property is worth and how much you owe on it. Do not list household furniture and furnishings and clothing which you or your family need.

| Items | Value |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

E. OATH OF PETITIONER

STATE OF WASHINGTON)

) ss.

WAYNE ALLEN NEWLUN

COUNTY OF FRANKLIN)

After being first duly sworn, on oath, I depose and say: That I am the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

Wayne Allen Newlun
(Signature Here)



SUBSCRIBED AND SWORN to before me this 13th day of JULY 2009

Melisa Kathleen Gilbert
Notary Public in and for the State of Washington
Residing at Cornell

Commission Expires 2011-10-10-2012

If a notary is not available, explain why none is available and indicate who can be contacted to help you find a Notary: _____

I declare that I have examined this petition and to the best of my knowledge and belief it is true and correct.

DATED This _____ day of _____ JULY _____, 2009 _____.

(Signature Here)

APPENDIX A

Appendix A

06-1-00241-0

Count I: On 11/16/05 I knowingly possessed a means of identification and financial information belonging to Guy Randall with the intent to commit or abet the crime of First Degree Theft and that I or an accomplice used such persons means of identification and financial information to obtain, credit, money, goods, services, and other things having an aggregate value totaling more than \$1,500.00 and the crime was aggravated by the following circumstances: the crime was a major economic offense due to the following factors: the crime involved multiple victims and multiple incidents per victim.

Count II: On 11/2/05 with the intent to injure and defraud and knowing the same to be forged I possessed identification belonging to Stuart Schriener and the crime was aggravated by the following circumstance: the crime was a major economic offense due to the following factors: the crime involved multiple victims and multiple incidents per victim.

Count III: On 11/2/05 with the intent to injure and defraud and knowing the same to be forged I possessed identification belonging to Stuart Schriener and the crime was aggravated by the following circumstance: the crime was a major economic offense due to the following factors: the crime involved multiple victims and multiple incidents per victim.

Count IV: On 11/1/05 with the intent to injure and defraud I possessed identification belonging to Stuart Schriener and the crime was aggravated by the following circumstances: the crime was a major economic offense due to the fact that it involved multiple victims and multiple incidents per victim.

Count V: On 11/11/05 with the intent to injure I possessed identification belonging to Guy Randall and the crime was aggravated by the fact that it was a major economic offense because the crime involved multiple victims and multiple incidents per victim.

Count VI: On 11/2/05 I possessed a personal identification device, with intent to use such device to commit theft (to obtain control of the property of another by color or aid of deception, with the intent to deprive such other of such property), and forgery (to falsely make, complete, and alter a written instrument and to put off such instrument as true, knowing the same to be forged, and with the intent to injure and defraud), and Identity theft (to knowing use and transfer a means of identification of another person,

with the intent to commit a felony and to aid the commission of an unlawful activity intended to harm such person); the crime was aggravated by the fact it was a major economic offense because the crime involved multiple victims and multiple incidents per victim.

Count VII: On 11/11/05 I possessed a personal identification device with the intent to use such device to commit a theft (to obtain control of the property of another by color or aid of deception, with the intent to deprive such other of such property), forgery (to wit: to falsely make, complete, and put off as a true written instrument, knowing the same to be forged, and with the intent to injure and defraud), and identity theft (to knowing use and transfer a means of identification of another person, with the intent to commit a felony and to aid the commission of an unlawful activity intended to harm such person); the crime was aggravated by the fact it was a major economic offense because the crime involved multiple victims and multiple incidents per victim.

These acts occurred in Snohomish County, Washington.

APPENDIX B

APPENDIX B
06-1-00648-2

FILED

MAR 20 2006

PAM L. DANIELS
COUNTY CLERK
SNOHOMISH CO. WASH

SUPERIOR COURT OF WASHINGTON
FOR SNOHOMISH COUNTY

THE STATE OF WASHINGTON,

Plaintiff,

v.

NEWLUN, WAYNE ALLEN

Defendant.

No. 06-1-00648-2

INFORMATION

Aliases: August 9 1949, JAMES MICHAEL BRISKI, RICHARD FRANCIS DAVIS, WADE SCOTT HILTS, WAYNE A HILTS, WAYNE SCOTT HILTS June 15 1959, BRUCE ALAN NEWCOMB December 8 1961, WAYNE A NEWLAN, WAYNE ALLEN NEWLAND December 19 1961, WAYNE A NEWLUND Decembe

Other co-defendants in this case:

Comes now JANICE E. ELLIS, Prosecuting Attorney for the County of Snohomish, State of Washington, and by this, her Information, in the name and by the authority of the State of Washington, charges and accuses the above-named defendant(s) with the following crime(s) committed in the State of Washington:

COUNT I: SECOND DEGREE IDENTITY THEFT, committed as follows: That the defendant, on or about the 14th day of December, 2005, did knowingly obtain, possess, use and transfer a means of identification and financial information of a person, to-wit: Guy Randal, with the intent to commit, aid and abet a crime, to-wit: forgery, proscribed by RCW 9.35.020 (1) and (3), a felony.

COUNT II: FORGERY, committed as follows: That the defendant, on or about the 14th day of December, 2005, with intent to injure and defraud and knowing the same to be forged, did possess, utter, offer, dispose of, and put off as true a written instrument, described as follows: check drawn on the Bank of America account of Pavlina Seleznevea and Valeriy Akulov, proscribed by RCW 9A.60.020(1)(b), a felony.

JANICE E. ELLIS
PROSECUTING ATTORNEY



JOHN J. JUHL, #18951
Deputy Prosecuting Attorney

Information Page 1
St. v. NEWLUN, WAYNE ALLEN
PA#05FD1063 3/18/2006

Snohomish County Prosecuting Attorney
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1 of 1

APPENDIX C

APPENDIX C

06-10264-5 SEA.

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

| | | |
|--------------------------|------------|----------------------|
| THE STATE OF WASHINGTON, |) | |
| | Plaintiff, |) |
| v. |) | No. 06-1-10264-5 SEA |
| WAYNE ALLEN NEWLUN, |) | INFORMATION |
| |) | |
| |) | |
| |) | |
| | Defendant. |) |

I, Norm Maleng, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse WAYNE ALLEN NEWLUN of the crime of **Identity Theft in the Second Degree**, committed as follows:

That the defendant WAYNE ALLEN NEWLUN in King County, Washington on or about December 19, 2005, did knowingly obtain, possess, use or transfer a means of identification or financial information, to-wit: the name, date of birth, and driver's license number of another person, living or dead, to-wit: Guy Michael Randal, with the intent to commit, or to aid or abet, any crime and obtained an aggregate total of credit, money, goods, services, or anything else of value that was less than \$1500 or obtained no credit, money, goods, services or anything of value;

Contrary to RCW 9.35.020(1)(3), and against the peace and dignity of the State of Washington.

NORM MALENG
Prosecuting Attorney

By: _____
Terri R. Luken, WSBA #19554
Senior Deputy Prosecuting Attorney

(10F7)

ACA
JAN 29 2007
RECEIVED

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APPENDIX C

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

| | | |
|----------------------|---|-----------------------|
| STATE OF WASHINGTON, |) | |
| |) | |
| |) | Plaintiff, |
| |) | No. 06-1-10264-5 SEA |
| |) | |
| Vs. |) | JUDGMENT AND SENTENCE |
| |) | FELONY |
| WAYNE ALLEN NEWLUN |) | |
| |) | |
| |) | |
| |) | Defendant, |

I. HEARING

I.1 The defendant, the defendant's lawyer, DEBORAH WILSON, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: Guy Randal & Doreen Randal

II. FINDINGS

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

2.1 **CURRENT OFFENSE(S)**: The defendant was found guilty on 01/04/2007 by plea of:

| | |
|----------------------------------|---|
| Count No.: <u>I</u> | Crime: <u>IDENTITY THEFT IN THE SECOND DEGREE</u> |
| RCW <u>9.35.020 (1) (3)</u> | Crime Code: <u>03042</u> |
| Date of Crime: <u>12/19/2005</u> | Incident No. _____ |

| | |
|----------------------|--------------------|
| Count No.: _____ | Crime: _____ |
| RCW _____ | Crime Code: _____ |
| Date of Crime: _____ | 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) **Vehicle homicide** Violent traffic offense DUI Reckless Disregard.
- (f) **Vehicle homicide** by DUI with _____ prior conviction(s) for offense(s) defined in RCW 41.61.5055, RCW 9.94A.510(7).
- (g) **Non-parental kidnapping** or unlawful imprisonment with a minor victim. RCW 9A.44.130.
- (h) **Domestic violence** offense as defined in RCW 10.99.020 for count(s) _____.
- (i) Current offenses **encompassing the same criminal conduct** in this cause are count(s) _____ RCW 9.94A.589(1)(a).

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

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

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

2.4 SENTENCING DATA:

| Sentencing Data | Offender Score | Seriousness Level | Standard Range | Enhancement | Total Standard Range | Maximum Term |
|-----------------|----------------|-------------------|----------------|-------------|----------------------|-----------------------|
| Count I | 34 | II | 43 TO 57 | | 43 TO 57 MONTHS | 5 YRS AND/OR \$10,000 |
| Count | | | | | | |
| 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. ORDER

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

4.1 RESTITUTION AND VICTIM ASSESSMENT:

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

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

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

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

4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 500. 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 \$ 10 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.

57 months/days on count I; _____ months/days on count _____; _____ months/day on count _____
_____ months/days on count _____; _____ 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) Snohomish Cty # 06-1-00223-1, 06-1-00679-2 & 06-1-06241-0

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 57 months.

Credit is given for 39 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 5 years, defendant shall have no contact with Gary Michael Randall & Doreen Randal

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: 1-25-07

Andrew Darvas
JUDGE
Print Name: A. Darvas

Presented by:

[Signature] 23362
Deputy Prosecuting Attorney, WSBA# 2000
Print Name: R. Rogoff

Approved as to form:

Deborah Wilson
Attorney for Defendant, WSBA # 134013
Print Name: Deborah Wilson

FINGERPRINTS



RIGHT HAND
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE:
DEFENDANT'S ADDRESS:

Wayne Allen Newlun
P.O.C.

WAYNE ALLEN NEWLUN

DATED: 1-26-07
Audrey Carver
JUDGE, KING COUNTY SUPERIOR COURT

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

CERTIFICATE

OFFENDER IDENTIFICATION

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

S.I.D. NO. WA12176549
DOB: DECEMBER 8, 1963
SEX: M
RACE: W

CLERK

BY: _____
DEPUTY CLERK

(p. 7 of 7)

APPENDIX D

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

out of
RECEIVED

| | | | |
|----------------------|---|---------------------------------|------------------------------|
| STATE OF WASHINGTON, |) | No. 58762-5-1 | FEB 25 2009 |
| |) | | |
| Respondent, |) | | Washington Appellate Project |
| |) | MANDATE | |
| v. |) | | |
| |) | Snohomish County | |
| WAYNE ALLEN NEWLUN, |) | | |
| |) | Superior Court No. 06-1-00241-0 | |
| Appellant. |) | | |
| |) | | |

THE STATE OF WASHINGTON TO: The Superior Court of the State of Washington in and for Snohomish County.

This is to certify that the opinion of the Court of Appeals of the State of Washington, Division I, filed on January 22, 2008, became the decision terminating review of this court in the above entitled case on February 18, 2009. An order denying a petition for review was entered in the Supreme Court on December 3, 2008. This case is mandated to the Superior Court from which the appeal was taken for further proceedings in accordance with the attached true copy of the decision.

Pursuant to RAP 14.4, costs in the amount of \$2,535.39 are awarded against judgment debtor WAYNE ALLEN NEWLUN as follows: costs in the amount of \$2,497.44 are awarded in favor of judgment creditor WASHINGTON OFFICE OF PUBLIC DEFENSE, INDIGENT DEFENSE FUND and costs in the amount of \$37.95 are awarded in favor of judgment creditor SNOHOMISH COUNTY PROSECUTOR'S OFFICE.

APPENDIX D.
20FZ.

58762-5-1
Page 2 of 2

c: Maureen Cyr ✓
Mary Kathleen Webber
Hon. Richard Thorpe
Indeterminate Sentencing Review Board



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Seattle, this 18th day of February, 2009.


RICHARD D. JOHNSON

Court Administrator/Clerk of the Court of Appeals,
State of Washington, Division I.

APPENDIX E

JPACHECO

COYOTE RIDGE CORRECTIONS CENTER

OTRTASTB

TRUST ACCOUNT STATEMENT

6.04.4.0.1.1

DOC# 0000283750 Name: NEWLUN, WAYNE A
LOCATION: R01-IA351L

BKG# 101105

Account Balance Today (07/10/2009) Current : 214.08
Hold :
Total : 214.08

Account Balance as of 07/10/2009 214.08
06/11/2009 07/10/2009

| SUB ACCOUNT | START BALANCE | END BALANCE |
|----------------------------|---------------|-------------|
| SPENDABLE BAL | 0.90 | 10.59 |
| SAVINGS BALANCE | 117.57 | 130.07 |
| WORK RELEASE SAVINGS | 0.00 | 0.00 |
| EDUCATION ACCOUNT | 0.00 | 0.00 |
| MEDICAL ACCOUNT | 0.00 | 0.00 |
| POSTAGE ACCOUNT | 103.14 | 73.42 |
| COMM SERV REV FUND ACCOUNT | 0.00 | 0.00 |

DEBTS AND OBLIGATIONS

| TYPE | PAYABLE | INFO NUMBER | AMOUNT OWING | AMOUNT PAID | WRITE OFF AMT. |
|-------|---------------------------------------|-------------|--------------|-------------|----------------|
| CVCS | CRIME VICTIM COMPENSATION/07112000 | 09262000 | UNLIMITED | 153.41 | 0.00 |
| COIS | COST OF INCARCERATION /07112000 | 09262000 | UNLIMITED | 610.63 | 0.00 |
| DEND | DENTAL COPAY DEBT | 03152007 | 0.00 | 3.00 | 0.00 |
| COI | COST OF INCARCERATION | 09262000 | UNLIMITED | 3550.61 | 0.00 |
| CVC | CRIME VICTIM COMPENSATION | 09262000 | UNLIMITED | 997.18 | 0.00 |
| SPHD | STORES PERSONAL HYGIENE DEBT | 12052006 | 0.00 | 2.99 | 0.00 |
| TVD | TV CABLE FEE DEBT | 10092004 | 0.00 | 1.29 | 0.00 |
| TVD | TV CABLE FEE DEBT | 05092009 | 0.00 | 0.41 | 0.00 |
| TVD | TV CABLE FEE DEBT | 03102007 | 0.00 | 0.87 | 0.00 |
| TVD | TV CABLE FEE DEBT | 03102001 | 0.00 | 2.13 | 0.00 |
| COSMD | COS - MISDEMEANANT DEBT (001) | 01122004 | 0.00 | 159.50 | 0.00 |
| COSFD | COS - FELONY DEBT (206) | 01122004 | 0.00 | 240.00 | 0.00 |
| COSUD | COS - OMMU DEBT (206) | 01122004 | 0.00 | 100.00 | 0.00 |
| LFO | LEGAL FINANCIAL OBLIGATIONS | 08042003 | UNLIMITED | 3664.60 | 0.00 |
| POSD | POSTAGE DEBT | 06102005 | 0.00 | 0.37 | 0.00 |
| POSD | POSTAGE DEBT | 03082007 | 0.00 | 0.75 | 0.00 |
| POSD | POSTAGE DEBT | 10052001 | 0.00 | 3.92 | 0.00 |
| TVRTD | TV RENTAL FEE DEBT | 05232005 | 0.00 | 2.44 | 0.00 |
| TVRTD | TV RENTAL FEE DEBT | 03082007 | 0.00 | 1.00 | 0.00 |
| HYGA | INMATE STORE DEBT | 06212001 | 0.00 | 96.65 | 0.00 |
| MISCD | MISCELLANEOUS DEBT | 10122006 | 0.00 | 2.64 | 0.00 |
| UPSD | PERSONAL PROPERTY | 02072001 | 0.00 | 0.23 | 0.00 |

Department of Corrections

Legal Financial Obligations Withdrawal Acknowledgement

For the period 4/1/2009 through 4/30/2009, Payment Dates: 4/21/2009 and 5/8/2009

Ack#: 964495 - 1

Facility: AR1

Location: R01IA251L

DOC#: 283750, Newlun, Wayne A

2 of 2
APPENDIX - E

| <u>County Paid</u> | <u>Cause#</u> | <u>LFO Balance</u> | <u>Withdrawals</u> | <u>Payments</u> | <u>Refunds</u> |
|--|---------------|--------------------|--------------------|-----------------|----------------|
| King County Clerk | 001003559 | \$173.45 | | | |
| | 061102645 | \$500.00 | | | |
| Total Paid To: King County Clerk | | | | | \$13.33 |
| Snohomish County Clerk | 001017213 | \$4,813.75 | | | |
| | 061002231 | \$789.43 | | | |
| | 061002410 | \$3,350.66 | | | |
| | 061006482 | \$789.43 | | | |
| Total Paid To: Snohomish County Clerk | | | | | \$13.33 |
| Thurston County Clerk | 061015421 | \$8,269.57 | | | |
| Total Paid To: Thurston County Clerk | | | | | \$13.34 |
| Withdrawal Acknowledgement Summary | | | \$40.00 | \$40.00 | \$0.00 |

The County Clerk maintains the official LFO payment record. For proof of receipt of money by the county, send a self addressed stamped envelope to the County Clerk. Some counties may charge copy fees for a payment history.