

NO. 66131-1-I

COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION I

STATE OF WASHINGTON,

Respondent,

v.

ARTURO RAMIREZ-SOTO,

Appellant.

APPEAL FROM THE SUPERIOR COURT FOR KING COUNTY

THE HONORABLE KIMBERLEY PROCHNAU

3

BRIEF OF RESPONDENT

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AMP

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A. ISSUES

1. Was there sufficient evidence from which a rational trier of fact could find the Respondent guilty of assault in the second degree?

2. Does delayed entry of Findings of Fact and Conclusions of Law require reversal when there has been no prejudice to the Respondent?

B. STATEMENT OF THE CASE

1. PROCEDURAL FACTS

The Respondent, Arturo Ramirez-Soto, was a juvenile charged with two counts of assault in the second degree, and one count of malicious mischief in the third degree. CP 40-41. The State alleged that Ramirez-Soto, together with others, assaulted Richard Shiplett and Matt Cecil, causing serious bodily harm to both and breaking the window of John Burge's car. CP 40-41, 3-5. The trial court found Ramirez-Soto guilty of assault in the second degree for the assault on Shiplett and guilty of malicious mischief in the third degree. CP 43-49; RP 650.¹ The court found Ramirez-

¹ The Verbatim Report of Proceedings consists of seven consecutively paginated volumes and will be referred to in this brief as "RP ____."

Soto not guilty of assault in the second degree for the assault on Cecil. RP 650. The court imposed a standard range sentence of 15-36 weeks in the Juvenile Rehabilitation Administration. CP 43-49. The court sentenced Ramirez-Soto on October 14, 2010. CP 43-49.

The State drafted findings of fact and conclusions of law, and sent them to defense counsel on November 17, 2010. Supp. CP ____ (sub#103, Declaration of State, 1)². The defense did not respond. Supp. CP ____ (sub#103, Declaration of State, 2). Ramirez-Soto filed his opening brief February 17, 2011. The prosecutor again contacted the defense to complete the findings of fact and conclusions of law on February 18, 2011.³ Supp. CP ____ (sub#103, Declaration of State, 2).

Ramirez-Soto's counsel proposed changes on March 3, 2011, and the prosecutor counter-proposed changes to the defense version of findings of fact. Supp. CP ____ (sub#103, Declaration of State, 2). A hearing was held on April 8, 2011 and the trial court signed the final version of findings of fact and conclusions of law.

² A copy of Sub#103 is attached as appendix A.

³ The proposed findings were identical to those sent on November 17, 2010.

Supp. CP ____ (sub#102, Findings of Fact and Conclusions of Law)⁴.

2. SUBSTANTIVE FACTS

Richard Shiplett and Matt Cecil were two nineteen year-old friends who met up on July 26, 2009. RP 69, 160. They planned to meet two other friends at Beth's Cafe on Aurora Avenue in Seattle and then go to Green Lake. RP 72, 80. Shiplett and Cecil rode their bikes to Beth's Cafe and met Mike Burge and Ryan Ira. RP 78, 162. Burge and Ira were still eating and paying for their meals, and they had a car, so Shiplett and Cecil started off on their bikes to Green Lake ahead of them. RP 80-81.

On the way to Green Lake, Shiplett's bike got a flat tire. RP 90, 167. Shiplett and Cecil were walking their bikes by the Bathhouse when they saw five males who appeared to be drinking. RP 87-88, 167. Jonathan Dawson-Harris ("Harris") was among the group, and he approached Shiplett and Cecil. RP 88-89, 167. Harris asked them for beer and for money. RP 90, 167. Harris appeared drunk and was harassing them. RP 90-91. Shiplett and

⁴ A copy of Sub#102 is attached as appendix B.

Cecil continued walking and Harris became more aggressive.

RP 96, 171. Harris became angrier and repeated his demands for money or alcohol. RP 96-97.

Harris approached Cecil and said, "Do you want to mess with me? I'll mess you up." RP 171. Harris balled up and cocked back his fist as though preparing to punch Cecil. RP 99, 171. Cecil punched Harris first, knocking him to the ground. RP 99, 171.

Harris seemed to be "knocked out," and Cecil stood over him telling him to wake up. RP 100. The other males from the Bathhouse ran up to Shiplett and Cecil. RP 100, 172.

Shiplett and Cecil were separated and each began fighting off individuals from Harris' group. Shiplett was about fifteen yards from Cecil. RP 131. Shiplett saw several people, including Ramirez-Soto, approach Cecil, and saw Cecil getting punched in the face.⁵ RP 130-31. Meanwhile, another male approached Shiplett and punched him in the face. RP 131. Shiplett began to wrestle on the ground with his attacker, whom he described as having a tattoo on his arm. RP 131.

⁵ Shiplett testified that Ramirez-Soto approached Cecil; however, Cecil testified that Ramirez-Soto was not present at this point of the assault. RP 175. The trial court did not rely upon this stage of the assault as the basis for Ramirez-Soto's conviction. RP 650-51.

Soon after, Burge and Ira pulled up in their car and saw the altercation. Ira ran to the aid of their friends. RP 136-37, 178. Ira grabbed the male attacking Shiplett, and placed him in a choke hold, then pulled him off Shiplett. RP 137. Shiplett, Cecil, and Ira tried to get to the car to flee. RP 137.

Burge was in the driver's seat, Ira was in the front passenger seat, and Cecil got into the cargo area of their SUV. RP 178, 181. Ramirez-Soto tried to grab Cecil's bike. Ramirez-Soto punched Cecil in the eye. RP 139, 178, 181-82. Cecil tried to close the door and Ramirez-Soto, along with others in his group pounded on the back window of the SUV, breaking it and sending glass fragments into Cecil's eye. RP 184. Shiplett was unable to get into the car and told his friends to leave him behind. RP 139.

Burge drove off, leaving Shiplett to face Ramirez-Soto, Harris, and several of their companions. RP 139. Shiplett described five or six men advancing on him including Ramirez-Soto and Harris. RP 144. As Shiplett backed up he fell down. RP 144-45. The group, including Ramirez-Soto, surrounded Shiplett

and repeatedly kicked him in the face. RP 146, 186. Shiplett lost consciousness soon after. RP 146.

Burge quickly turned the car around to find Shiplett and called 911. RP 185, 188. As he returned he could see the group, including Ramirez-Soto, around Shiplett kicking him. RP 186. As the attackers heard sirens approaching, they all fled. RP 189.

Shiplett was dazed and was walking with his bike, wondering why he was bloody, when the police approached. RP 149-53. He was taken to Harborview Medical Center for treatment. RP 109. Shiplett reported that he lost consciousness and his memory was poor after he went to the ground during the assault. RP 114, 146. His nose was fractured and broken in multiple places. RP 115. He received stitches on his nose and his upper lip. RP 158. There was no alcohol in his system. RP 116.

Cecil had a cut over his eye and it was swollen. RP 200-01. His vision was affected for several months. RP 200. He also went to the hospital where the glass was washed from his eyes. RP 200.

C. ARGUMENT

1. THE LATE ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW HAS NOT PREJUDICED THE APPELLANT, AND THUS REVERSAL OR DISMISSAL IS INAPPROPRIATE.

Ramirez-Soto argues that his convictions should be reversed because findings of fact and conclusions of law were not timely filed. However, the findings have since been filed, and Ramirez-Soto can show no prejudice from the delay. Reversal is not required.

If the Court of Appeals does not receive written findings and conclusions from the State before hearing the merits of an appeal, then the failure to enter those findings may merit reversal of the conviction. State v. Taylor, 69 Wn. App. 474, 849 P.2d 692 (1993). The cases addressing the late entry of findings fall into two different categories: (1) the complete absence of any formal findings and conclusions, and (2) the mere delay in the entry of findings and conclusions during the appellate process. State v. Bennett, 62 Wn. App. 702, 710-11, 814 P.2d 1171 (1991). Where the State merely delays the entry of findings, the court will not reverse the conviction absent a showing of prejudice. Taylor, 69 Wn. App. at 477.

The Court of Appeals has explicitly held that the court need not reverse and dismiss cases where findings and conclusions are filed late:

We decline to adopt a policy limiting the State to filing the findings within 21 days of the notice of appeal or automatically reversing in every case where the State fails to strictly comply with JuCR 7.11(d). Neither the juvenile's interest in prompt appellate review nor the public's interest in proper enforcement of criminal laws is served by such a policy.

State v. Cowgill, 67 Wn. App. 239, 241-42, 834 P.2d 677 (1992).

The respondent is prejudiced only if his liberty interest would be adversely affected by the late entry of findings and conclusions.

State v. Litts, 64 Wn. App. 831, 836, 827 P.2d 304 (1992) (citing Bennett, 62 Wn. App. at 711). The appellant must show prejudice for reversal of a case based upon tardy entry of findings of fact and conclusions of law. Bennett, 62 Wn. App. at 711. A conviction will normally not be reversed absent a showing of prejudice or some form of tailoring of the findings to address the issues raised in the appellant's brief. State v. Brown, 68 Wn. App. 480, 485-86, 843 P.2d 1098 (1993); State v. Litts, 64 Wn. App. at 836-37; Bennett 62 Wn. App. at 711; Taylor, 69 Wn. App. at 477.

In the present case, Ramirez-Soto's liberty interest remains unaffected. There has been no delay to the State's response to

Ramirez-Soto's appeal. There is no evidence that the prosecutor tailored the findings of fact and conclusions of law. The trial prosecutor who drafted the findings remained unaware of the issues raised by Ramirez-Soto in his appeal. Supp. CP ____ (sub#103, Declaration of State, 2-3); Supp. CP ____ (sub#104, Declaration of Rule 9, 3)⁶. The prosecutors drafted findings and conclusions on November 17, 2009, soon after the trial. Supp. CP ____ (sub#103, Declaration of State, 2); Supp. CP ____ (sub#104, Declaration of Rule 9, 1-2). This was before Ramirez-Soto filed his appeal brief on February 17, 2011. When the prosecutor learned the findings and conclusions were outstanding in February, she proposed the same findings with no alterations. Supp. CP ____ (sub#103, Declaration of State, 7-11, 15-20). Ramirez-Soto proposed changes and the State counter-proposed additions and modifications based on Ramirez-Soto's revisions. Supp. CP ____ (sub#103, Declaration of State, 24-28, 32-38). Ramirez-Soto has not alleged any prejudice due to the late filing of findings of fact, and absent any prejudice, reversal would be inappropriate.

⁶ A copy of Sub#104 is attached as appendix C.

2. THERE WAS SUFFICIENT EVIDENCE FROM WHICH A RATIONAL TRIER OF FACT COULD FIND RAMIREZ-SOTO GUILTY OF ASSAULT IN THE SECOND DEGREE.

Ramirez-Soto contends that the evidence was not sufficient to find that he was criminally liable for the serious bodily injuries that were the basis of the assault in the second degree charge. He argues that Shiplett's injuries could have occurred in the early stage of the confrontation, which the trial court did not rely upon to find him guilty. However, there was ample evidence that Shiplett's injuries occurred while he was defenseless on the ground, being kicked by Ramirez-Soto and his companions.

The appropriate standard of review when the sufficiency of the evidence is challenged in a criminal case was articulated in State v. Green, 94 Wn.2d 216, 616 P.2d 628 (1980). In Green, a five-judge majority of the Supreme Court, citing Jackson v. Virginia, 443 U.S. 307, 316-20, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1970), held that the proper test for determining the sufficiency of the evidence to sustain a criminal conviction is "whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." Green, 94 Wn.2d at 221.

It is not necessary that the reviewing court itself be convinced of the respondent's guilt beyond a reasonable doubt. Id. at 221. Appellate courts must continue to give deference to the trier of fact to resolve conflicts in testimony, weigh evidence, and draw reasonable inferences therefrom. Jackson v. Virginia, 443 U.S. at 319; State v. Gerber, 28 Wn. App. 214, 622 P.2d 888 (1981). The Gerber opinion notes specifically that neither Jackson nor Green changed the rule stated in State v. Theroff, 25 Wn. App. 592, 593, 608 P.2d 1254 (1980):

A challenge to the sufficiency of the evidence admits the truth of the State's evidence and all inferences that can reasonably be drawn therefrom. The evidence is interpreted most strongly against the defendant and in a light most favorable to the State...When there is substantial evidence, and when that evidence is conflicting or is of such a character that reasonable minds may differ, it is the function and province of the jury to weigh the evidence, to determine the credibility of the witnesses, and to decide the disputed questions of fact.

Gerber, 28 Wn. App. at 217.

The facts in this case, taken in the light most favorable to the State, are sufficient to convince a rational trier of fact that Ramirez-Soto caused substantial bodily harm to Shiplett as required to be

found guilty of assault in the second degree.⁷ The trial court noted that there were two phases of the confrontation. RP 650-51. First, there was the initial confrontation between Shiplett and Cecil versus Harris and his companions. RP 650. The trial court found there was a reasonable doubt as to whether Ramirez-Soto participated in that phase of the assault, whether there was a claim of defense of Harris, or mutual combat. RP 651. The court did not rely upon this phase of the confrontation to find Ramirez-Soto guilty. RP 651.

The second phase of the confrontation occurred when Cecil and Shiplett retreated to Burge's car and attempted to disengage and get away. RP 651. Shiplett told his friends to leave him. RP 144. This was when Shiplett was surrounded by Ramirez-Soto, Harris, and their companions, and they beat and kicked Shiplett to unconsciousness. RP 145-47. The trial court had no reasonable doubt that Ramirez-Soto participated in this phase of the assault and there was no claim of self-defense. RP 654.

⁷ Substantial bodily harm is defined as "injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part." RCW 9A.04.110(4)(b). Ramirez-Soto does not argue that Shiplett's broken nose and facial lacerations did not constitute substantial bodily injury. Rather, he argues that the evidence does not show the injuries occurred during the portion of the assault he participated in.

The evidence demonstrates that the substantial bodily harm (the broken nose and facial lacerations) was inflicted on Shiplett during the second phase of the assault. Shiplett had been punched in the face during the initial phase of the altercation, but he was not injured. Shiplett testified:

When I got up off the ground I felt - I didn't feel like I had any - like I had sustained any serious injuries. I've been hit in face before in training, it's happened. It did not feel like I was absolutely out of the ordinary, I didn't feel like I had a head injury or anything like that sort. I felt pretty together.

RP 138. Shiplett was not bloodied during the initial phase of the confrontation. RP 139. None of his companions testified that Shiplett was bleeding after the initial phase of the confrontation. See RP 160-203, 309-56 (Cecil), 361-413(Burge), 493-558 (Ira). Each of Shiplett's friends noted his severe injuries after he regained consciousness after the second phase of the assault. RP 386, 524.

The trial court found during the initial phase of the confrontation “[Shiplett] was punched in the face multiple times during the altercation. However, he was not bleeding at this point nor was his nose broken.” Supp. CP ____ (sub#102, Findings of

Fact and Conclusions of Law, 2)⁸. Shiplett was knocked unconscious during the second phase of the assault. RP 147-51. He awoke bleeding. RP 153. He was taken to the hospital and found to have a fractured nose. RP 115. The trial court had a rational basis to believe that Shiplett's most serious injuries were caused by being kicked in the face while lying defenseless on the ground before losing consciousness.

The trial court was cognizant of the very issue that Ramirez-Soto raises on appeal. Having found a reasonable doubt as to the initial stage of the assault, the court recognized the need to distinguish the injuries that were caused in the latter part of the assault. In count II, where Cecil was assaulted, the court could not determine whether the substantial bodily harm occurred before he disengaged and retreated. The trial court thoughtfully considered the issue:

"There is also no reasonable doubt that he [Ramirez-Soto] perpetrated an assault upon [Cecil] while he was in the car. The reason that count fails however, the Court has not been persuaded, does have a reasonable doubt, as to whether [Cecil's] - whether

⁸ This line did not appear in the prosecutors' initial draft of the findings on November 17, 2010, or February 18, 2011. However, the paragraph was proposed by the defense on March 3, 2011, and the prosecutor added this line as a counter-proposal to the defense-requested paragraph.

the - that assault resulted in substantial bodily harm upon [Cecil]. [Cecil] certainly ended up at the end of the evening with cuts on his face, blood on his face, and a swollen eye and he also had some vision problem. . . . But, in any event, the problem with that - although the eye injury certainly would be substantial bodily injury, it was a temporary disfigurement and temporary impairment, we don't know when that eye injury occurred.

We know the cuts on his face likely were from the flying glass in the back, but we don't know when the eye injury occurred. We have [Cecil's] testimony that he was hit in the eye, but it's hard to tell how much force was perpetrated at that point. [Cecil] was in a panic. . .

And [Cecil], himself, is not aware of his injuries, did not have a good handle on his injuries. He testified that he didn't have any blood on him until he entered the car, whereas [Burge] saw blood on his shirt and face

But there is just a reasonable doubt as to when those eye injuries occurred, whether as a result of [Cecil][sic], [Ramirez-Soto's] assaulting him or whether it occurred earlier in the - in the general melee of what was going on before. And it's a little bit hard to tell what was going on before and who was throwing punches at who. So for that reason that fails.

RP 653-54.

The trial court carefully considered when the substantial bodily harm occurred and found that for Shiplett's injuries, "Whether the assault - whether [Shiplett's] injuries stemmed from falling backwards on the ground while [Ramirez-Soto] was chasing him or kicking, the court finds that at least some of those substantial

injuries were caused by kicking.” RP 656. The court found that “the testimony is very clear and I have no doubt that all of the elements have been met - been met with respect to assault in the second degree on Richard Shiplett.” RP 654.

The trial court had ample evidence to conclude that Ramirez-Soto caused substantial bodily harm to Shiplett without justification. The court carefully considered the evidence, and acquitted Ramirez-Soto of assault in the second degree in count II because of the uncertainty about when and how Cecil's injuries occurred. However, Shiplett testified that he was not injured during the first phase of the attack, and no one observed injuries on him until after he had been beaten unconscious by Ramirez-Soto and his companions. Viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found that Ramirez-Soto caused substantial bodily harm to Shiplett. Ramirez-Soto's sufficiency of the evidence argument must be rejected.

D. CONCLUSION

For the foregoing reasons, the State asks this Court to affirm
Ramirez-Soto's conviction for assault in the second degree.

DATED this 15th day of April, 2011.

Respectfully submitted,

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APPENDIX A

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KING COUNTY, WASHINGTON

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**SUPERIOR COURT CLERK
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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

STATE OF WASHINGTON,

Plaintiff,

No. 09-8-03807-6 *SEA*

vs.

ARTURO RAMIREZ-SOTO,
B.D. 1/25/92,

Respondent.

FINDINGS OF FACT AND
CONCLUSIONS OF LAW
PURSUANT TO JuCR 7.11(d)

THE ABOVE-ENTITLED CAUSE, having come on for fact-finding on July 19, 2010, before Judge Prochnau, in the above-entitled court; the State of Washington having been represented by Deputy Prosecuting Attorney Angela Gianoli and Rule 9 Intern Jackie Jensen; the Respondent appearing in person and having been represented by his attorneys, Steven Adams and Emily Deckman, the court having heard sworn testimony and arguments of counsel, now makes and enters the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. On the evening of July 26, 2009, Richard "Ricky" Shiplett and Matthew "Matt" Cecil made arrangements to meet-up with their two friends, Ryan Ira and Michael Burge at Beth's Café located on Aurora Avenue, near Green Lake. Matt and Ricky rode their bicycles to the restaurant, while Ryan and Michael drove.
2. After Ricky and Matt finished eating they left Ryan and Michael at Beth's Café and headed down to Green Lake, where the group planned to meet later that evening. Before arriving at Greenlake, Ricky came into possession of some beer. Ricky did not admit that that he obtained beer in his testimony. Ricky's testimony was discounted considerably due to memory problems resulting from a head injury in this incident, or a previous incident, or because he did not want his parents to know about his use of alcohol that evening. Matt partially consumed a beer before the incident. Both Matt and Ryan stated

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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- 1 that they were not intoxicated, nor was their ability to perceive events altered by their
2 alcohol consumption. Ryan and Michael did not consume any alcohol that evening.
- 3 3. As Ricky and Matt arrived at Greenlake they rode their bikes along the Greenlake bike
4 path located in Seattle, Washington. Shortly after arriving at Greenlake, Ricky was forced
5 to push his bike because he discovered his tire was flat after running over something
6 causing it to puncture. Matt did the same in an effort to stay with Ricky.
- 7 4. While walking their bikes along the Greenlake path, Ricky and Matt came upon the
8 Bathhouse Theater, where they observed a group of people. Ricky and Matt were
9 approached by a juvenile male they both knew as Jonathan "Johnny" Dawson-Harris.
10 Dawson-Harris appeared and acted intoxicated.
- 11 5. Dawson-Harris asked Ricky and Matt if they had any beer or money, to which they
12 replied "no." Ricky and Matt attempted to continue on their way, but were again asked by
13 Dawson-Harris for beer or money. Again, Ricky and Matt told Dawson-Harris that they
14 did not have any beer or money.
- 15 6. At this point, Dawson-Harris took an aggressive stance towards Matt and Ricky.
16 Dawson-Harris and Ricky exchanged words. Dawson-Harris looked like he was going to
17 swing and punch Matt. Matt responded by punching him and causing him to fall to the
18 ground, apparently and possibly rendering him unconscious.
- 19 7. Shortly after Matt swung at Dawson-Harris, a group of individuals observed Matt
20 standing over Dawson-Harris and rushed towards Matt and Ricky's location. A physical
21 altercation ensued between the group and Ricky and Matt. Ricky was punched in the
22 face multiple times during this altercation. However, he was not bleeding at this point
23 nor was his nose broken.
- 24 8. There is not proof beyond a reasonable doubt that Arturo Ramirez-Soto was the person
who assaulted Matt or Ricky at this point in time. If he was that person, the defense
brought forth evidence of mutual combat and reasonable defense of another and the state
failed to disprove such evidence.
9. During the altercation, Michael Burge and Ryan Ira, arrived at the Bathhouse Theater
parking lot driving an SUV belonging to Michael's father, John Burge. As Michael and
Ryan pulled into the Bathhouse parking lot, the beams of the SUV's headlights
illuminated the altercation that was taking place on the lawn in front of them. They
recognized Ricky and Matt as two of the individuals involved in the physical altercation.
Michael and Ryan saw Arturo Ramirez-Soto on top of Ricky and saw Matt standing
nearby, his face and shirt covered in blood. Ricky was not bleeding and had no blood on
him. Neither Ricky nor Matt thought the Respondent was involved in fighting with
Ricky at this point in time. Ricky specifically recalled fighting with a large person who
had a tattoo on his left arm that the Respondent did not have.

- 1 10. Michael and Ryan exited the SUV and rushed to their friends' aid. Ryan attempted to
2 pull a person off of Ricky. Michael, who had a broken arm, ran to Matt's side to see if he
3 was okay. Michael and Ryan were able to remove their friends from this altercation and
4 the four boys ran to Michael's SUV which was parked nearby. Ricky and Matt were
5 carrying their bikes with them. As they fled to the vehicle, they were followed by several
6 of the individuals who had been fighting with them, including the Respondent.
- 7 11. Matt was able to load his bike into the back of the SUV and jump into the rear cargo area
8 of the vehicle. As Matt was attempting to close the rear hatch, the Respondent and four
9 to five other males, also involved in the physical altercation, including Dawson-Harris
10 grabbed onto Matt's bike and continually attempted to pull the bike from the SUV.
- 11 12. As Matt was sitting in the rear cargo area, the Respondent punched him in the left eye
12 causing a bleeding laceration on his eyebrow and his eye to swell shut. Through the
13 struggle, Matt was able to reach up, grab the hatch door and shut the rear hatch door to
14 the SUV.
- 15 13. Michael, who jumped into the driver's seat, attempted several times to drive the car away,
16 but the Respondent and the other males continued to surround the car on all sides
17 preventing them from leaving the scene without running one of the males over.
- 18 14. Simultaneously, the Respondent and others began banging on the rear hatch window.
19 After striking the window several times the Respondent along with members of the group
20 were successful in punching through the back window causing shards of glass to disperse
21 into the rear of the SUV and into Matt's eye.
- 22 15. Moments later, Ricky, who was seated in the backseat, jumped out of the SUV and began
23 distracting the group in an attempt to lure them away from the vehicle.
- 24 16. As Ricky became separated from the vehicle, the group of males, including Dawson-
Harris and the Respondent, began to pursue Ricky. Ricky was running backward with his
bike as a group of four to six males followed him to a nearby residential lawn. Ricky
tripped backwards and landed on the ground.
17. The group of aggressors, including the Respondent and Dawson-Harris, surrounded
Ricky and began kicking and stomping him multiple times in the head, face, and torso.
As Ricky was being kicked he lost consciousness and does not recall much of the
incident. The next memory Ricky has is of him walking on the street with his bike in
hand, bloody, and a police officer approaching him.
18. Matt, Michael Burge and Ryan Ira observed Ricky on the ground as he was being kicked
and stomped by a group of males; Ryan and Matt saw Respondent assault Ricky as he
was on the ground and Michael saw the Respondent as part of the group surrounding
Ricky while he was on the ground. (Ryan and Michael did not know the respondent but
identified him after the event as the assailant.)

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19. Matt, Michael, and Ryan drove a few houses away, to a safe location away from the group, and called 911. Ryan Ira frantically told the 911 dispatcher that the males "broke the window out" and there are now "five guys beating the shit out of one guy." Ryan further stated that Ricky had "broken bones" "he can't stand" and "he's bleeding all over the place." Ryan described four of the males, including their clothing, physical descriptions and race, assaulting Ricky but did not know them by name. Of the group of males, Ryan stated to dispatch that there was only one Hispanic male included in the group. Within minutes, sirens could be heard, and the group of attackers fled from the scene.

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20. Several witnesses observed portions of this incident. Jim Wood, and his wife Martha Shapiro, were awakened to the sounds of a fight outside of their house, located on West Greenlake Drive North. They both witnessed silhouettes of individuals, one possibly carrying a stick or bat, and they heard the sound of a car speeding up and slowing down. They could see an individual standing in front of the car as the car tried to move forward. Jim Wood called 911 to report the incident.

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21. Additionally, Brett Keeler was driving with a friend on West Greenlake Drive North when he passed a group of individuals surrounding a car, and pulling items out of the hatch. Believing a crime was in progress, Mr. Keeler turned his car around to have another look at what was going on, and then called 911 to report the suspicious activity.

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22. As police arrived, Officer Audi Acuesta observed Ricky wandering a few blocks from the scene of the assault, walking his bike. Ricky approached the officer, visibly dazed, with multiple lacerations on this face. Ricky was unable to answer basic questions. Officer Acuesta saw a backpack near Ricky and in an attempt to find identification, looked through the bag. He was able to locate a student ID card belonging to Ricky. Matt was able to identify Ricky to officers and told the police at the scene that one of the assailants was Arturo Ramirez-Soto.

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23. EMTs arrived on scene and administered aid to both Ricky and Matt. Matt's injuries including swelling and a laceration above his left eye. Matt further suffered complications to his peripheral vision due to the shards of glass which landed in eye.. Both Matt and Ricky were transported by ambulance to Harborview Medical Center. There, Ricky was diagnosed with nasal fractures and a lip laceration. A nasal canula had to be inserted into Ricky's mouth as his nasal passage was too damaged to insert the tube. Matt was treated for the laceration to his left eye, as well as for the shards of glass that were in his eye by rinsing his eye out. In addition, Ricky said he lost consciousness, but he tested as normal on the Glasgow Coma Scale.

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24. The court discounted some of Ricky Shiplett's testimony; he may have memory problems related to this incident or prior incidents. However, the court found Matt, Ryan, and Michael credible.

CONCLUSIONS OF LAW

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Daniel T. Satterberg, Prosecuting Attorney
Juvenile Court
1211 E. Alder
Seattle, Washington 98122
(206) 296-9025, FAX (206) 296-8869

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I.

The above court has jurisdiction of the subject matter and of the Respondent, ARTURO RAMIREZ- SOTO, who was born January 25, 1992, in the above-entitled case.

II.

The Court finds the Respondent guilty of Assault in the Second Degree, contrary to RCW 9A.36.021, as the State has proven the following elements beyond a reasonable doubt:

(1) That on or about July 26, 2009, the Respondent intentionally assaulted Richard Shiplett; and

(2) That the Respondent thereby recklessly inflicted substantial bodily harm on Richard Shiplett; and

(3) That these acts occurred in the State of Washington, County of King.

In making these findings, the court relied upon witness testimony and evidence introduced at trial.

III.

The Court finds Arturo Ramirez-Soto not guilty of Assault in the Second Degree against Matt Cecil as charged in Count II.

IV.

The Court finds the Respondent guilty of Malicious Mischief in the Third Degree, contrary to RCW 9A.48.090, as the State has proven the following elements beyond a reasonable doubt:

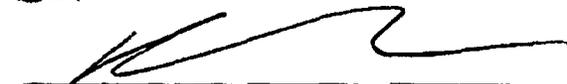
(1) That on or about July 26, 2009, the Respondent knowingly and maliciously caused physical damage to the property of another in an amount not exceeding \$750; and

(2) That this act occurred in the State of Washington, County of King.

V.

Judgment should be entered in accordance with Conclusions of Law II, III, and IV. In addition to these written findings and conclusions, the Court hereby incorporates its oral findings and conclusions as reflected in the record.

SIGNED this 8 day of April, 2011

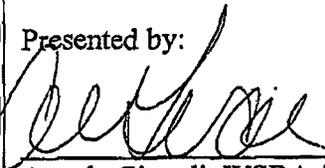

THE HON. KIMBERLEY PROCHNAU

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Daniel T. Satterberg, Prosecuting Attorney
Juvenile Court
1211 E. Alder
Seattle, Washington 98122
(206) 296-9025, FAX (206) 296-8869

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Presented by:



Angela Gianoli, WSBA # 6327
Deputy Prosecuting Attorney



Steve Adams, WSBA
Emily Deckman, WSBA 35907
Attorneys for Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Daniel T. Satterberg, Prosecuting Attorney
Juvenile Court
1211 E. Alder
Seattle, Washington 98122
(206) 296-9025, FAX (206) 296-8869

APPENDIX B

FILED
KING COUNTY, WASHINGTON

APR 08 2011

SUPERIOR COURT CLERK
EILEEN L. MCLEOD
DEPUTY

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

ARTURO RAMIREZ SOTO,

Respondent.

No. 09-8-03807-6 *SEA*

DECLARATION OF DEPUTY
PROSECUTING ATTORNEY

I, the undersigned, hereby declare that I am 18 years of age, competent to testify in a court of law, and familiar with the facts contained herein:

1. I am a Deputy Prosecuting Attorney with the King County Prosecutor's Office.
2. I was the trial attorney in the above captioned case.
3. I along with Rule 9 Intern Jackie Jensen drafted the proposed Findings of Fact and Conclusions of Law on November 17, 2010. On that same date, Jackie Jensen emailed the State's Proposed Findings to the Respondent's counsel, Steven Adams and Emily Deckman, with

DECLARATION OF DEPUTY PROSECUTING
ATTORNEY - 1

Daniel T. Satterberg, Prosecuting Attorney
Norm Maleng Regional Justice Center
401 Fourth Avenue North
Kent, Washington 98032-4429

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1 a request that they sign the findings and submit them to our office for filing with the Court. A
2 true and correct copy of that email is attached as Exhibit A.

3 4. I was contacted by my office's Appellate Unit on February 18, 2011 and informed that
4 Findings of Fact and Conclusions of Law, pursuant to JuCR 7.11(d) could not be located in the
5 electronic court record or the original prosecutor's file.

6 5. On February 22, 2011, I emailed Steven Adams and Emily Deckman again requesting that
7 they review and sign the findings should they be to their satisfaction or notify me if they would
8 prefer that a contested hearing be set in front of Judge Kimberly Prochnau. A true and correct
9 copy of that email is attached as Exhibit B.

10 6. On March 3, 2011, Steven Adams emailed me with a copy of the Respondent's changes to the
11 State's Proposed Findings of Fact. A true and correct copy of that email is attached as Exhibit C.

12 7. On March 12, 2011, I sent an email to Steven Adams and Emily Deckman with revisions to
13 the Respondent's proposed findings. A true and correct copy of that email is attached as Exhibit
14 D.

15 8. When the State did not receive word from Respondent's counsel, I contacted Judge
16 Prochnau's Clerk on March 21, 2011 and request that a contested hearing be set to address the
17 Findings. The earliest date that the Court and Respondent's counsel was available was April 8,
18 2011. A true and correct copy of that email is attached as Exhibit E.

19 9. On April 8, 2011 Findings of Fact and Conclusions of Law were presented to the trial judge,
20 the Honorable Kimberly Prochnau. Following a contested hearing, the findings were signed by
21 both parties and the court and entered into the record.

22 10. I have never discussed the appeal with either Steven Adams or Emily Deckman.

23 11. I have not reviewed the appellate file or any documents related thereto in the above captioned

DECLARATION OF DEPUTY PROSECUTING
ATTORNEY - 2

Daniel T. Satterberg, Prosecuting Attorney
Norm Maleng Regional Justice Center
401 Fourth Avenue North
Kent, Washington 98032-4429

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1 case. I have not spoken with anyone regarding the appellate issues being raised in the above
2 captioned case. I have no knowledge of any appellate issue being raised in this matter.

3
4 Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is
5 true and correct. Signed and dated by me this 8th day of April, 2011, at Kent, Washington.

6
7 
8 Angela M. Gianoli WSBA # 40327
9 Deputy Prosecuting Attorney

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EXHIBIT A

5

, Jackie
Day, November 17, 2010 11:55 AM
teven; 'Deckman, Emily'
ngela
 Ramirez-Soto Findings of Fact

Dear Steve and Emily,

Attached are our Findings of Fact with regard to Ramirez-Soto. Please review them, and if they appear to your satisfaction, please sign a copy and send them to our office for filing with the Court. If you have changes, please note them and send them back. Let me know if you have any questions.

Thanks,

Jackie Jensen
King County Prosecuting Attorney's Office
Juvenile Division
(206) 296-8857

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

STATE OF WASHINGTON,

Plaintiff,

vs.

ARTURO RAMIREZ-SOTO,
B.D. 1/25/92,

Respondent.

No. 09-8-03807-6

FINDINGS OF FACT AND
CONCLUSIONS OF LAW
PURSUANT TO JuCR 7.11(d)

THE ABOVE-ENTITLED CAUSE, having come on for fact-finding on July 19, 2010, before Judge Prochnau, in the above-entitled court; the State of Washington having been represented by Deputy Prosecuting Attorney Angela Gianoli and Rule 9 Intern Jackie Jensen; the Respondent appearing in person and having been represented by his attorneys, Steven Adams and Emily Deckman, the court having heard sworn testimony and arguments of counsel, now makes and enters the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. On July 26, 2009, Richard "Ricky" Shiplett and Matthew "Matt" Cecil were riding their bikes along the Greenlake bike path located in Seattle, Washington. Shortly after arriving at Greenlake, Ricky was forced to push his bike because he discovered his tire was flat. Matt did the same in an effort to stay with Ricky.
2. While walking their bikes along the Greenlake path, Ricky and Matt came upon the Bathhouse Theater, where they observed a group of people. Ricky and Matt were approached by a juvenile male they both knew as Jonathan "Johnny" Dawson-Harris. Dawson-Harris appeared and acted intoxicated.
3. Harris asked Ricky and Matt if they had any beer or money, to which they replied "no." Ricky and Matt attempted to continue on their way, but were again asked by Dawson-

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Daniel T. Satterberg, Prosecuting Attorney
Juvenile Court
1211 E. Alder
Seattle, Washington 98122
(206) 296-9025, FAX (206) 296-8869

1 Harris for beer or money. Again, Ricky and Matt told Dawson-Harris that they did not
2 have any beer or money.

- 3 4. At this point, Dawson-Harris took an aggressive stance towards Matt and Ricky.
4 Dawson-Harris took a swing at Matt. Matt responded by swinging back, and made
5 contact with Dawson-Harris, causing him to fall to the ground.
- 6 5. Shortly after Matt swung at Dawson-Harris, a group of individuals, including the
7 Respondent Arturo Ramirez-Soto, observed Matt standing over Dawson-Harris and
8 rushed towards Matt and Ricky's location. A physical altercation ensued between the
9 group and Ricky and Matt.
- 10 6. Several minutes later, Michael Burge and Ryan Ira, friends of Matt and Ricky, arrived at
11 the Bathhouse Theater parking lot driving an SUV belonging to Michael's father, John
12 Burge. Michael and Ryan had arranged earlier in the evening to meet Ricky and Matt
13 with their bikes at Greenlake.
- 14 7. As Michael and Ryan pulled into the Bathhouse parking lot, the beams of the SUV's
15 headlights illuminated the altercation that was taking place on the lawn in front of them.
16 They recognized Ricky and Matt as two of the individuals involved in the physical
17 altercation. Michael and Ryan observed the Respondent on top of Ricky and saw Matt
18 standing nearby, his face and shirt covered in blood.
- 19 8. Michael and Ryan exited the SUV and rushed to their friends' aid. Ryan attempted to
20 pull the Respondent off of Ricky. Michael, who had a broken arm, ran to Matt's side to
21 see if he was okay. Michael and Ryan were able to remove their friends from this
22 altercation and the four boys ran to Michael's SUV. Ricky and Matt were carrying their
23 bikes with them. As they fled to the vehicle, they were chased by several of the
24 individuals who had been fighting with them, including the Respondent.
9. Matt was able to load his bike into the back of the SUV and jump into the rear cargo area.
As Matt was attempting to close the rear hatch, the Respondent and four to five other
males also involved in the physical altercation, including Dawson-Harris grabbed onto
Matt's bike and continually attempted to pull the bike from the SUV.
10. As Matt was sitting in the rear cargo area, the Respondent punched him in the left eye
causing a bleeding laceration on his eyebrow and his eye to swell shut. Through the
struggle, Matt was able to reach up, grab the hatch door and shut the rear hatch door to
the SUV.
11. Michael, who jumped into the driver's seat, attempted several times to drive the car away.
but the Respondent and the other males continued to surround the car on all sides
preventing them from leaving the scene without running one of the males over.

- 1 12. Simultaneously, the Respondent began banging on the rear hatch window. After striking
2 the window several times, the Respondent was successful in punching through the back
3 window causing shards of glass to disperse into the rear of the SUV and into Matt's eye.
- 4 13. Moments later, Ricky, who was seated in the backseat, jumped out of the SUV and began
5 distracting the group in an attempt to lure them away from the vehicle.
- 6 14. As Ricky became separated from the vehicle, the group of males began to pursue Ricky
7 with Dawson-Harris and the Respondent in the lead. Ricky was chased by the group of
8 four to six males to a nearby residential lawn. While Ricky was being chased he tripped
9 and landed on the ground.
- 10 15. The group of aggressors, including the Respondent, descended upon Ricky as he lay on
11 the ground, surrounded him and began kicking and stomping him multiple times in the
12 head, face, and torso. A few moments after the attack began, Ricky saw flashes of white
13 and then lost consciousness.
- 14 16. Michael Burge and Ryan Ira were able to observe Ricky on the ground as they drove a
15 few houses away and called 911. Ryan Ira frantically told the 911 dispatcher that the
16 males "broke the window out" and there are now "five guys beating the shit out of one
17 guy." Ryan further stated that Ricky had "broken bones" "he can't stand" and "he's
18 bleeding all over the place." Ryan identified four of the males assaulting Ricky including
19 the Respondent. Within minutes, sirens could be heard, and the group of attackers fled
20 from the scene.
- 21 17. Several witnesses observed portions of this incident. Jim Wood, and his wife Martha
22 Shapiro, were awakened to the sounds of a fight outside of their house, located on West
23 Greenlake Drive North. They both witnessed silhouettes of individuals, one possibly
24 carrying a stick or bat, and they heard the sound of a car speeding up and slowing down.
They could see an individual standing in front of the car as the car tried to move forward.
Jim Wood called 911 to report the incident.
18. Additionally, Brett Keeler was driving with a friend on West Greenlake Drive North
when he passed a group of individuals surrounding a car, and pulling items out of the
hatch. Believing a crime was in progress, Mr. Keeler turned his car around to have
another look at what was going on, and then called 911 to report the suspicious activity.
19. As police arrived, Officer Audi Acuesta observed Ricky wandering a few blocks from the
scene of the assault, walking his bike. Ricky approached the officer, visibly dazed and
severely injured. Ricky was unable to provide Officer Acuesta his name or an
explanation for what he was doing there.
20. EMTs arrived on the scene and administered aid to both Ricky and Matt, and took both
boys to Harborview Medical Center. Matt had glass shards in his eye, as well as facial
lacerations. Ricky suffered a broken nose, facial lacerations and dental injuries. In

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1 addition, Ricky lost consciousness and wasn't fully aware of what happened to him until
2 he awoke at Harborview Medical Center the next morning.

3 **CONCLUSIONS OF LAW**

4 **I.**

5 The above court has jurisdiction of the subject matter and of the Respondent, ARTURO
6 RAMIREZ- SOTO, who was born January 25, 1992, in the above-entitled case.

7 **II.**

8 The Court finds the Respondent guilty of Assault in the Second Degree, contrary to RCW
9 9A.36.021, as the State has proven the following elements beyond a reasonable doubt:

10 (1) That on or about July 26, 2009, the Respondent intentionally assaulted Richard
11 Shiplett; and

12 (2) That the Respondent thereby recklessly inflicted substantial bodily harm on Richard
13 Shiplett; and

14 (3) That these acts occurred in the State of Washington, County of King.

15 In making these findings, the court relied upon witness testimony and evidence
16 introduced at trial.

17 **III.**

18 The Court finds the Respondent guilty of Malicious Mischief in the Third Degree,
19 contrary to RCW 9A.48.090, as the State has proven the following elements beyond a reasonable
20 doubt:

21 (1) That on or about July 26, 2009, the Respondent knowingly and maliciously caused
22 physical damage to the property of another in an amount not exceeding \$750; and

23 (2) That this act occurred in the State of Washington, County of King.

24 **V.**

Judgment should be entered in accordance with Conclusions of Law II and III. In
addition to these written findings and conclusions, the Court hereby incorporates its oral findings
and conclusions as reflected in the record.

SIGNED this ____ day of November, 2010

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THE HON. KIMBERLY PROCHNAU

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Presented by:

Angela Gianoli, WSBA #
Deputy Prosecuting Attorney

Steve Adams, WSBA
Emily Deckman, WSBA
Attorneys for Respondent

EXHIBIT B

, Angela
; February 22, 2011 5:03 PM
, Emily; Adams, Steven
ackie; Gianoli, Angela
 Ramirez-Soto Findings of Fact

Hello Steve and Emily.

I wanted to quickly touch base with you both about the Arturo Ramirez-Soto case. It has come to my attention that findings of fact were never signed and submitted to the Court. I have included an email sent by Jackie Jensen on November 17, 2010 requesting your review and signature, should the findings be satisfactory. I don't believe that was ever done. At your soonest convenience please review these findings and either sign them or let me know if you would like me to set a hearing in front of Judge Prochnau. If I do not receive word within the next few days I will assume that a hearing will be needed and I will contact the court to do so. Please let me know if you have any questions.

Thank you.

, Jackie
Jay, November 17, 2010 11:55 AM
even; 'Deckman, Emily'
ngela
 Ramirez-Soto Findings of Fact

Dear Steve and Emily,

Attached are our Findings of Fact with regard to Ramirez-Soto. Please review them, and if they appear to your satisfaction, please sign a copy and send them to our office for filing with the Court. If you have changes, please note them and send them back. Let me know if you have any questions.

Thanks,

Jackie Jensen
King County Prosecuting Attorney's Office
Juvenile Division
(206) 296-8857

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

STATE OF WASHINGTON,)	
)	
)	Plaintiff,
)	No. 09-8-03807-6
vs.)	
)	FINDINGS OF FACT AND
ARTURO RAMIREZ-SOTO,)	CONCLUSIONS OF LAW
B.D. 1/25/92,)	PURSUANT TO JuCR 7.11(d)
)	
)	Respondent.
)	
)	

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20 pull the Respondent off of Ricky. Michael, who had a broken arm, ran to Matt's side to
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17 guy." Ryan further stated that Ricky had "broken bones" "he can't stand" and "he's
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20 from the scene.
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24 carrying a stick or bat, and they heard the sound of a car speeding up and slowing down.
They could see an individual standing in front of the car as the car tried to move forward.
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another look at what was going on, and then called 911 to report the suspicious activity.
19. As police arrived, Officer Audi Acuesta observed Ricky wandering a few blocks from the
scene of the assault, walking his bike. Ricky approached the officer, visibly dazed and
severely injured. Ricky was unable to provide Officer Acuesta his name or an
explanation for what he was doing there.
20. EMTs arrived on the scene and administered aid to both Ricky and Matt, and took both
boys to Harborview Medical Center. Matt had glass shards in his eye, as well as facial
lacerations. Ricky suffered a broken nose, facial lacerations and dental injuries. In

1 addition, Ricky lost consciousness and wasn't fully aware of what happened to him until
2 he awoke at Harborview Medical Center the next morning.

3 **CONCLUSIONS OF LAW**

4 **I.**

The above court has jurisdiction of the subject matter and of the Respondent, ARTURO RAMIREZ- SOTO, who was born January 25, 1992, in the above-entitled case.

6 **II.**

7 The Court finds the Respondent guilty of Assault in the Second Degree, contrary to RCW 9A.36.021, as the State has proven the following elements beyond a reasonable doubt:

8 (1) That on or about July 26, 2009, the Respondent intentionally assaulted Richard Shiplett; and

9 (2) That the Respondent thereby recklessly inflicted substantial bodily harm on Richard Shiplett; and

10 (3) That these acts occurred in the State of Washington, County of King.

11 In making these findings, the court relied upon witness testimony and evidence introduced at trial.

13 **III.**

14 The Court finds the Respondent guilty of Malicious Mischief in the Third Degree, contrary to RCW 9A.48.090, as the State has proven the following elements beyond a reasonable doubt:

15 (1) That on or about July 26, 2009, the Respondent knowingly and maliciously caused physical damage to the property of another in an amount not exceeding \$750; and

16 (2) That this act occurred in the State of Washington, County of King.

18 **V.**

19 Judgment should be entered in accordance with Conclusions of Law II and III. In addition to these written findings and conclusions, the Court hereby incorporates its oral findings and conclusions as reflected in the record.

20 SIGNED this ____ day of November, 2010

21
22
23
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FINDINGS OF FACT AND CONCLUSIONS OF LAW

29

THE HON. KIMBERLY PROCHNAU

Presented by:

Angela Gianoli, WSBA #
Deputy Prosecuting Attorney

Steve Adams, WSBA
Emily Deckman, WSBA
Attorneys for Respondent

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

Daniel T. Satterberg, Prosecuting Attorney
Juvenile Court
1211 E. Alder
Seattle, Washington 98122
(206) 296-9025, FAX (206) 296-8869

41

EXHIBIT C

22



From: Adams, Steven
Sent: Thursday, March 03, 2011 3:07 PM
To: Gianoli, Angela
Cc: Jensen, Jackie; Deckman, Emily
Subject: Ramirez-Soto, Arturo

Angie:

Here is our suggested Findings of Fact. My changes are italicized and in bold.

Please let me know what you think. I'm sorry this took so long.

Steve

This e-mail and any files transmitted with it are intended only for the person or entity to which it is addressed and may contain confidential material and/or material protected by law. Any retransmission, dissemination or use of this information may be a violation of that law. If you received this e-mail in error, please contact the sender and delete the e-mail and its attachments from all computers.

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24

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

STATE OF WASHINGTON,

Plaintiff,

vs.

ARTURO RAMIREZ-SOTO,
B.D. 1/25/92,

Respondent.

No. 09-8-03807-6

FINDINGS OF FACT AND
CONCLUSIONS OF LAW
PURSUANT TO JuCR 7.11(d)

THE ABOVE-ENTITLED CAUSE, having come on for fact-finding on July 19, 2010, before Judge Prochnau, in the above-entitled court; the State of Washington having been represented by Deputy Prosecuting Attorney Angela Gianoli and Rule 9 Intern Jackie Jensen; the Respondent appearing in person and having been represented by his attorneys, Steven Adams and Emily Deckman, the court having heard sworn testimony and arguments of counsel, now makes and enters the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. On July 26, 2009, Richard "Ricky" Shiplett and Matthew "Matt" Cecil were riding their bikes along the Greenlake bike path located in Seattle, Washington. Shortly after arriving at Greenlake, Ricky was forced to push his bike because he discovered his tire was flat. Matt did the same in an effort to stay with Ricky. *Before arriving at Greenlake, Ricky had either purchased or stolen beer from a nearby 7-11 store. Ricky did not admit that that he obtained beer in his testimony. The Court discounted Ricky's testimony considerably due to memory problems resulting from a head injury in this incident, or a previous incident, or because he did not want his parents to know about his use of alcohol.*
2. While walking their bikes along the Greenlake path, Ricky and Matt came upon the Bathhouse Theater, where they observed a group of people. Ricky and Matt were

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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Juvenile Court
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Seattle, Washington 98122
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1 approached by a juvenile male they both knew as Jonathan "Johnny" Dawson-Harris.
2 Dawson-Harris appeared and acted intoxicated.

3 3. Harris asked Ricky and Matt if they had any beer or money, to which they replied "no."
4 Ricky and Matt attempted to continue on their way, but were again asked by Dawson-
5 Harris for beer or money. Again, Ricky and Matt told Dawson-Harris that they did not
6 have any beer or money.

7 4. *At this point, Dawson-Harris took an aggressive stance towards Matt and Ricky.*
8 *Dawson-Harris and Ricky exchanged punches. Dawson-Harris looked like he was*
9 *going to swing at Matt. Matt responded by punching him and causing him to fall to*
10 *the ground, knocked out.*

11 5. *Shortly after Matt swung at Dawson-Harris, a group of individuals observed Matt*
12 *standing over Dawson-Harris and rushed towards Matt and Ricky's location. A*
13 *physical altercation ensued between the group and Ricky and Matt. Matt, who knew*
14 *Arturo Ramirez-Soto, was certain that Arturo Ramirez-Soto was not in the group at*
15 *that time. Ricky was punched in the face multiple times during this altercation.*

16 6. *There is not proof beyond a reasonable doubt that Arturo Ramirez-Soto was the person*
17 *who assaulted Ricky at this point in time, or that if he did, it was part of a mutual*
18 *combat or in reasonable self-defense of another.*

19 7. Several minutes later, Michael Burge and Ryan Ira, friends of Matt and Ricky, arrived at
20 the Bathhouse Theater parking lot driving an SUV belonging to Michael's father, John
21 Burge. Michael and Ryan had arranged earlier in the evening to meet Ricky and Matt
22 with their bikes at Greenlake.

23 8. As Michael and Ryan pulled into the Bathhouse parking lot, the beams of the SUV's
24 headlights illuminated the altercation that was taking place on the lawn in front of them.
They recognized Ricky and Matt as two of the individuals involved in the physical
altercation. *Michael and Ryan thought the Respondent was on top of Ricky and saw*
Matt standing nearby, his face and shirt covered in blood. Neither Ricky nor Matt
thought the Respondent was involved in fighting with Ricky at this point in time. Ricky
specifically recalled fighting with a large person who had a tattoo that the Respondent
did not have.

9. Michael and Ryan exited the SUV and rushed to their friends' aid. *Ryan attempted to*
pull a person off of Ricky. Michael, who had a broken arm, ran to Matt's side to see if
he was okay. Michael and Ryan were able to remove their friends from this altercation
and the four boys ran to Michael's SUV. Ricky and Matt were carrying their bikes with
them. As they fled to the vehicle, they were *followed* by several of the individuals who
had been fighting with them, including the Respondent.

10. Matt was able to load his bike into the back of the SUV and jump into the rear cargo area.
As Matt was attempting to close the rear hatch, the Respondent and four to five other

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1 males also involved in the physical altercation, including Dawson-Harris grabbed onto
 2 Matt's bike and continually attempted to pull the bike from the SUV.

3 11. As Matt was sitting in the rear cargo area, the Respondent punched him in the left eye
 4 causing a bleeding laceration on his eyebrow and his eye to swell shut. Through the
 5 struggle, Matt was able to reach up, grab the hatch door and shut the rear hatch door to
 6 the SUV.

7 12. Michael, who jumped into the driver's seat, attempted several times to drive the car away,
 8 but the Respondent and the other males continued to surround the car on all sides
 9 preventing them from leaving the scene without running one of the males over.

10 13. Simultaneously, the Respondent *and others* began banging on the rear hatch window.
 11 After striking the window several times *members of the group* were successful in
 12 punching through the back window causing shards of glass to disperse into the rear of the
 13 SUV and into Matt's eye.

14 14. Moments later, Ricky, who was seated in the backseat, jumped out of the SUV and began
 15 distracting the group in an attempt to lure them away from the vehicle.

16 15. As Ricky became separated from the vehicle, the group of males began to pursue Ricky
 17 *including* Dawson-Harris and the Respondent. *Ricky was backpedalling as a group of*
 18 *four to six males followed him to a nearby residential lawn. Ricky tripped and landed*
 19 *on the ground.*

20 16. *The group of aggressors, including the Respondent, surrounded Ricky and began*
 21 *kicking and stomping him multiple times in the head, face, and torso. Ricky lost*
 22 *consciousness briefly and did not recall the incident; he had impaired memory issues*
 23 *in the past.*

24 17. Michael Burge and Ryan Ira were able to observe Ricky on the ground as they drove a
 few houses away and called 911. Ryan Ira frantically told the 911 dispatcher that the
 males "broke the window out" and there are now "five guys beating the shit out of one
 guy." Ryan further stated that Ricky had "broken bones" "he can't stand" and "he's
 bleeding all over the place." *Ryan described four of the males assaulting Ricky but did*
not know them by name. Within minutes, sirens could be heard, and the group of
 attackers fled from the scene.

18. Several witnesses observed portions of this incident. Jim Wood, and his wife Martha
 Shapiro, were awakened to the sounds of a fight outside of their house, located on West
 Greenlake Drive North. They both witnessed silhouettes of individuals, one possibly
 carrying a stick or bat, and they heard the sound of a car speeding up and slowing down.
 They could see an individual standing in front of the car as the car tried to move forward.
 Jim Wood called 911 to report the incident.

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- 1 19. Additionally, Brett Keeler was driving with a friend on West Greenlake Drive North
2 when he passed a group of individuals surrounding a car, and pulling items out of the
3 hatch. Believing a crime was in progress, Mr. Keeler turned his car around to have
4 another look at what was going on, and then called 911 to report the suspicious activity.
- 5 20. As police arrived, Officer Audi Acuesta observed Ricky wandering a few blocks from the
6 scene of the assault, walking his bike. *Ricky approached the officer, visibly dazed, with*
7 *multiple marks on this face. Ricky was unable to answer basic questions.*
- 8 21. *EMTs arrived on the scene and administered aid to both Ricky and Matt. Matt's*
9 *injuries were not documented other than swelling. Ricky suffered nasal fractures and*
10 *a lip laceration. In addition, Ricky said he briefly lost consciousness but he tested as*
11 *normal on the Glasgow Coma Scale.*

10 CONCLUSIONS OF LAW

11 I.

12 The above court has jurisdiction of the subject matter and of the Respondent, ARTURO
13 RAMIREZ- SOTO, who was born January 25, 1992, in the above-entitled case.

13 II.

14 The Court finds the Respondent guilty of Assault in the Second Degree, contrary to RCW
15 9A.36.021, as the State has proven the following elements beyond a reasonable doubt:

16 (1) That on or about July 26, 2009, the Respondent intentionally assaulted Richard
17 Shiplett; and

18 (2) That the Respondent thereby recklessly inflicted substantial bodily harm on Richard
19 Shiplett; and

20 (3) That these acts occurred in the State of Washington, County of King.

21 In making these findings, the court relied upon witness testimony and evidence
22 introduced at trial.

23 III.

24 *The Court finds Arturo Ramirez-Soto not guilty of Assault in the Second Degree*
against Matt Cecil as charged in Count II.

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IV.

The Court finds the Respondent guilty of Malicious Mischief in the Third Degree, contrary to RCW 9A.48.090, as the State has proven the following elements beyond a reasonable doubt:

(1) That on or about July 26, 2009, the Respondent knowingly and maliciously caused physical damage to the property of another in an amount not exceeding \$750; and

(2) That this act occurred in the State of Washington, County of King.

V.

Judgment should be entered in accordance with Conclusions of Law II, III, and IV. In addition to these written findings and conclusions, the Court hereby incorporates its oral findings and conclusions as reflected in the record.

SIGNED this ____ day of November, 2010

THE HON. KIMBERLY PROCHNAU

Presented by:

Angela Gianoli, WSBA #
Deputy Prosecuting Attorney

Steve Adams, WSBA
Emily Deckman, WSBA
Attorneys for Respondent

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EXHIBIT D

39

, Angela
7, March 12, 2011 10:55 AM
teven; Deckman, Emily
ackie
oto Findings

Hello.

Attached please find an amended copy of the Soto Findings. I've noted my changes in red. Please also compare these with the previous version of the findings because there are a few things that I deleted. Let me know if you are satisfied with the findings and we will get them filed, otherwise I can set a contested hearing.

Thank you.

Angela Gianoli

Deputy Prosecuting Attorney
King County Prosecutor's Office--DV Unit
Email: angela.gianoli@kingcounty.gov
Phone: (206) 205-7422
Fax: (206) 205-7450

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

STATE OF WASHINGTON,

Plaintiff,

vs.

ARTURO RAMIREZ-SOTO,
B.D. 1/25/92,

Respondent.

No. 09-8-03807-6

FINDINGS OF FACT AND
CONCLUSIONS OF LAW
PURSUANT TO JuCR 7.11(d)

THE ABOVE-ENTITLED CAUSE, having come on for fact-finding on July 19, 2010, before Judge Prochnau, in the above-entitled court; the State of Washington having been represented by Deputy Prosecuting Attorney Angela Gianoli and Rule 9 Intern Jackie Jensen; the Respondent appearing in person and having been represented by his attorneys, Steven Adams and Emily Deckman, the court having heard sworn testimony and arguments of counsel, now makes and enters the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. On the evening of July 26, 2009, Richard "Ricky" Shiplett and Matthew "Matt" Cecil made arrangements to meet-up with their two friends, Ryan Ira and Michael Burge at Beth's Café located on Aurora Avenue, near Green Lake. Matt and Ricky rode their bicycles to the restaurant, while Ryan and Michael drove.
2. After Ricky and Matt finished eating they left Ryan and Michael at Beth's Café and headed down to Green Lake, where the group planned to meet later that evening. Before arriving at Greenlake, Ricky came into possession of some beer. Ricky did not admit that that he obtained beer in his testimony. Ricky's testimony was discounted considerably due to memory problems resulting from a head injury in this incident, or a previous incident, or because he did not want his parents to know about his use of alcohol that evening. Matt partially consumed a beer before the incident. Both Matt and Ryan stated

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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1 that they were not intoxicated, nor was their ability to perceive events altered by their
2 alcohol consumption. Ryan and Michael did not consume any alcohol that evening.

- 3 3. As Ricky and Matt arrived at Greenlake they rode their bikes along the Greenlake bike
4 path located in Seattle, Washington. Shortly after arriving at Greenlake, Ricky was forced
5 to push his bike because he discovered his tire was flat after running over something
6 causing it to puncture. Matt did the same in an effort to stay with Ricky.
- 7 4. While walking their bikes along the Greenlake path, Ricky and Matt came upon the
8 Bathhouse Theater, where they observed a group of people. Ricky and Matt were
9 approached by a juvenile male they both knew as Jonathan "Johnny" Dawson-Harris.
10 Dawson-Harris appeared and acted intoxicated.
- 11 5. Dawson-Harris asked Ricky and Matt if they had any beer or money, to which they
12 replied "no." Ricky and Matt attempted to continue on their way, but were again asked by
13 Dawson-Harris for beer or money. Again, Ricky and Matt told Dawson-Harris that they
14 did not have any beer or money.
- 15 6. At this point, Dawson-Harris took an aggressive stance towards Matt and Ricky.
16 Dawson-Harris and Ricky exchanged words. Dawson-Harris looked like he was going to
17 swing and punch Matt. Matt responded by punching him and causing him to fall to the
18 ground, apparently and possibly unconscious.
- 19 7. Shortly after Matt swung at Dawson-Harris, a group of individuals observed Matt
20 standing over Dawson-Harris and rushed towards Matt and Ricky's location. A physical
21 altercation ensued between the group and Ricky and Matt. Ricky was punched in the
22 face multiple times during this altercation. However, he was not bleeding at this point
23 nor was his nose broken.
- 24 8. There is not proof beyond a reasonable doubt that Arturo Ramirez-Soto was the person
who assaulted Matt or Ricky at this point in time, or that if he did, it was part of a mutual
combat or in reasonable self-defense of another.
9. During the altercation, Michael Burge and Ryan Ira, arrived at the Bathhouse Theater
parking lot driving an SUV belonging to Michael's father, John Burge. As Michael and
Ryan pulled into the Bathhouse parking lot, the beams of the SUV's headlights
illuminated the altercation that was taking place on the lawn in front of them. They
recognized Ricky and Matt as two of the individuals involved in the physical altercation.
Michael and Ryan saw Arturo Ramirez-Soto on top of Ricky and saw Matt standing
nearby, his face and shirt covered in blood. Ricky was not bleeding and had no blood on
him. Neither Ricky nor Matt thought the Respondent was involved in fighting with
Ricky at this point in time. Ricky specifically recalled fighting with a large person who
had a tattoo on his left arm that the Respondent did not have.
10. Michael and Ryan exited the SUV and rushed to their friends' aid. Ryan attempted to
pull a person off of Ricky. Michael, who had a broken arm, ran to Matt's side to see if he

1 was okay. Michael and Ryan were able to remove their friends from this altercation and
2 the four boys ran to Michael's SUV which was parked nearby. Ricky and Matt were
3 carrying their bikes with them. As they fled to the vehicle, they were followed by several
4 of the individuals who had been fighting with them, including the Respondent.

5 11. Matt was able to load his bike into the back of the SUV and jump into the rear cargo area
6 of the vehicle. As Matt was attempting to close the rear hatch, the Respondent and four
7 to five other males, also involved in the physical altercation, including Dawson-Harris
8 grabbed onto Matt's bike and continually attempted to pull the bike from the SUV.

9 12. As Matt was sitting in the rear cargo area, the Respondent punched him in the left eye
10 causing a bleeding laceration on his eyebrow and his eye to swell shut. Through the
11 struggle, Matt was able to reach up, grab the hatch door and shut the rear hatch door to
12 the SUV.

13 13. Michael, who jumped into the driver's seat, attempted several times to drive the car away,
14 but the Respondent and the other males continued to surround the car on all sides
15 preventing them from leaving the scene without running one of the males over.

16 14. Simultaneously, the Respondent and others began banging on the rear hatch window.
17 After striking the window several times the Respondent along with members of the group
18 were successful in punching through the back window causing shards of glass to disperse
19 into the rear of the SUV and into Matt's eye.

20 15. Moments later, Ricky, who was seated in the backseat, jumped out of the SUV and began
21 distracting the group in an attempt to lure them away from the vehicle.

22 16. As Ricky became separated from the vehicle, the group of males began to pursue Ricky
23 including Dawson-Harris and the Respondent. Ricky was backpedalling as a group of
24 four to six males followed him to a nearby residential lawn. Ricky tripped backwards
and landed on the ground.

17 17. The group of aggressors, including the Respondent and Dawson-Harris, surrounded
18 Ricky and began kicking and stomping him multiple times in the head, face, and torso.
19 As Ricky was being kicked he lost consciousness and did not recall much of the incident;
20 he had impaired memory issues in the past. The next memory Ricky has is of him
21 walking on the street with his bike in hand, bloody, and a police officer approaching him.

22 18. Matt, Michael Burge and Ryan Ira observed Ricky on the ground as he was being kicked
23 and stomped. They drove a few houses away, to a safe location away from the group,
24 and called 911. Ryan Ira frantically told the 911 dispatcher that the males "broke the
window out" and there are now "five guys beating the shit out of one guy." Ryan further
stated that Ricky had "broken bones" "he can't stand" and "he's bleeding all over the
place." Ryan described four of the males, including their clothing, physical descriptions
and race, assaulting Ricky but did not know them by name. Of the group of males, Ryan

1 stated to dispatch that there was only one Hispanic male included in the group. Within
2 minutes, sirens could be heard, and the group of attackers fled from the scene.

3 19. Several witnesses observed portions of this incident. Jim Wood, and his wife Martha
4 Shapiro, were awakened to the sounds of a fight outside of their house, located on West
5 Greenlake Drive North. They both witnessed silhouettes of individuals, one possibly
6 carrying a stick or bat, and they heard the sound of a car speeding up and slowing down.
7 They could see an individual standing in front of the car as the car tried to move forward.
8 Jim Wood called 911 to report the incident.

9 20. Additionally, Brett Keeler was driving with a friend on West Greenlake Drive North
10 when he passed a group of individuals surrounding a car, and pulling items out of the
11 hatch. Believing a crime was in progress, Mr. Keeler turned his car around to have
12 another look at what was going on, and then called 911 to report the suspicious activity.

13 21. As police arrived, Officer Audi Acuesta observed Ricky wandering a few blocks from the
14 scene of the assault, walking his bike. Ricky approached the officer, visibly dazed, with
15 multiple lacerations on this face. Ricky was unable to answer basic questions. Officer
16 Acuesta saw a backpack near Ricky and in an attempt to find identification, looked through
17 the bag. He was able to locate a student ID card belonging to Ricky. Matt was able to
18 identify Ricky to officers and told the police at the scene that one of the assailants was
19 Arturo Ramirez-Soto.

20 22. EMTs arrived on scene and administered aid to both Ricky and Matt. Matt's injuries
21 including swelling and a laceration above his left eye. Matt further suffered
22 complications to his peripheral vision due to the shards of glass which landed in eye..
23 Both Matt and Ricky were transported by ambulance to Harborview Medical Center.
24 There, Ricky was diagnosed with nasal fractures and a lip laceration. A nasal canula had
to be inserted into Ricky's mouth as his nasal passage was too damaged to insert the tube.
Matt was treated for the laceration to his left, as well as for the shards of glass that were
in his eye by rinsing his eye out. In addition, Ricky said he lost consciousness, but he
tested as normal on the Glasgow Coma Scale.

CONCLUSIONS OF LAW

I.

The above court has jurisdiction of the subject matter and of the Respondent, ARTURO
RAMIREZ- SOTO, who was born January 25, 1992, in the above-entitled case.

II.

The Court finds the Respondent guilty of Assault in the Second Degree, contrary to RCW
9A.36.021, as the State has proven the following elements beyond a reasonable doubt:

(1) That on or about July 26, 2009, the Respondent intentionally assaulted Richard
Shiplett; and

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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(2) That the Respondent thereby recklessly inflicted substantial bodily harm on Richard Shiplett; and

(3) That these acts occurred in the State of Washington, County of King.

In making these findings, the court relied upon witness testimony and evidence introduced at trial.

III.

The Court finds Arturo Ramirez-Soto not guilty of Assault in the Second Degree against Matt Cecil as charged in Count II.

IV.

The Court finds the Respondent guilty of Malicious Mischief in the Third Degree, contrary to RCW 9A.48.090. as the State has proven the following elements beyond a reasonable doubt:

(1) That on or about July 26, 2009, the Respondent knowingly and maliciously caused physical damage to the property of another in an amount not exceeding \$750; and

(2) That this act occurred in the State of Washington, County of King.

V.

Judgment should be entered in accordance with Conclusions of Law II, III, and IV. In addition to these written findings and conclusions, the Court hereby incorporates its oral findings and conclusions as reflected in the record.

SIGNED this ____ day of November, 2010

THE HON. KIMBERLY PROCHNAU

Presented by:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Daniel T. Satterberg, Prosecuting Attorney
Juvenile Court
1211 E. Alder
Seattle, Washington 98122
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1 Angela Gianoli, WSBA #
2 Deputy Prosecuting Attorney

Steve Adams, WSBA
Emily Deckman, WSBA
Attorneys for Respondent

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

Daniel T. Satterberg, Prosecuting Attorney
Juvenile Court
1211 E. Alder
Seattle, Washington 98122
(206) 296-9025. FAX (206) 296-8869

EXHIBIT E

From: Robinson, Christine
Sent: Wednesday, March 23, 2011 8:32 AM
To: Gianoli, Angela; Adams, Steven
Cc: Deckman, Emily; Jensen, Jackie
Subject: RE: Contested Findings Hearing--Arturo Ramirez Soto 09-8-03807-6 SEA

Confirmed.

Thank you

Christine Robinson
Bailiff to Judge Kimberley Prochnau
King County Courthouse
516 Third Avenue, W719
Seattle, WA 98104
Phone: 206-296-9260 / Fax: 206-296-9371
christine.robinson@kingcounty.gov

Please review Judge Prochnau's webpage at:
<http://www.kingcounty.gov/courts/SuperiorCourt/judges/prochnau.aspx>

****Please DO NOT email working copies to the bailiff absent advance authorization.**
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It is the responsibility of the parties to make sure that the court receives working copies, prior to a hearing, in accordance with the rules.
****IMPORTANT:** *In order to avoid inappropriate ex-parte contact, you are hereby directed to forward this communication to all other counsel not already copied on this e-mail.*

From: Gianoli, Angela
Sent: Wednesday, March 23, 2011 8:25 AM
To: Robinson, Christine; Adams, Steven
Cc: Deckman, Emily; Jensen, Jackie
Subject: RE: Contested Findings Hearing--Arturo Ramirez Soto 09-8-03807-6 SEA

I believe the 8th at 10:00am works for all the parties.

Thank you.

Angela Gianoli

Deputy Prosecuting Attorney
King County Prosecutor's Office--DV Unit
Email: angela.gianoli@kingcounty.gov
Phone: (206) 205-7422
Fax: (206) 205-7450

From: Robinson, Christine
Sent: Wednesday, March 23, 2011 8:23 AM
To: Adams, Steven; Gianoli, Angela
Cc: Deckman, Emily; Jensen, Jackie
Subject: RE: Contested Findings Hearing--Arturo Ramirez Soto 09-8-03807-6 SEA

Please remove me and let me know what date works for all.

Thanks

Christine Robinson
Bailiff to Judge Kimberley Prochnau
King County Courthouse
516 Third Avenue, W719
Seattle, WA 98104
Phone: 206-296-9260 / Fax: 206-296-9371
christine.robinson@kingcounty.gov

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****IMPORTANT: In order to avoid inappropriate ex-parte contact, you are hereby directed to forward this communication to all other counsel not already copied on this e-mail.**

From: Adams, Steven
Sent: Tuesday, March 22, 2011 1:52 PM

To: Robinson, Christine; Gianoli, Angela
Cc: Deckman, Emily; Jensen, Jackie
Subject: RE: Contested Findings Hearing--Arturo Ramirez Soto 09-8-03807-6 SEA

The 8th at 10 a.m. works with Defense. The 1st does not work.

Thanks,
Steve

From: Robinson, Christine [mailto:Christine.Robinson@kingcounty.gov]
Sent: Tuesday, March 22, 2011 1:26 PM
To: Gianoli, Angela
Cc: Adams, Steven; Deckman, Emily; Jensen, Jackie
Subject: RE: Contested Findings Hearing--Arturo Ramirez Soto 09-8-03807-6 SEA

I had previously requested that the date be coordinated between parties and then one date given to me.

If 4/1 ok for everyone?

Thanks

Christine Robinson
Bailiff to Judge Kimberley Prochnau
King County Courthouse
516 Third Avenue, W719
Seattle, WA 98104
Phone: 206-296-9260 / Fax: 206-296-9371
christine.robinson@kingcounty.gov

Please review Judge Prochnau's webpage at:
<http://www.kingcounty.gov/courts/SuperiorCourt/judges/prochnau.aspx>

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It is the responsibility of the parties to make sure that the court receives working copies, prior to a hearing, in accordance with the rules.
*****IMPORTANT: In order to avoid inappropriate ex-parte contact, you are hereby directed to forward this communication to all other counsel not already copied on this e-mail.***

From: Gianoli, Angela
Sent: Tuesday, March 22, 2011 1:11 PM
To: Robinson, Christine
Cc: Adams, Steven; Deckman, Emily; Jensen, Jackie
Subject: RE: Contested Findings Hearing--Arturo Ramirez Soto 09-8-03807-6 SEA

4/1 works best for my schedule.

Thank you.

Angela Gianoli

Deputy Prosecuting Attorney
King County Prosecutor's Office--DV Unit
Email: angela.gianoli@kingcounty.gov
Phone: (206) 205-7422
Fax: (206) 205-7450

From: Robinson, Christine
Sent: Tuesday, March 22, 2011 11:31 AM
To: Gianoli, Angela
Cc: Adams, Steven; Deckman, Emily; Jensen, Jackie
Subject: RE: Contested Findings Hearing--Arturo Ramirez Soto 09-8-03807-6 SEA

4/1 @ 1:30
4/8 @ 10
4/22 @ 9

Please coordinate and respond with one date.
Keep in mind we are Seattle (my address is listed below for working copies).
Friendly reminder to comply with the applicable deadlines for submitting the proposed findings and any objections prior to the hearing.

Thank you,

Christine Robinson
Bailiff to Judge Kimberley Prochnau
King County Courthouse
516 Third Avenue, W719
Seattle, WA 98104

Phone: 206-296-9260 / Fax: 206-296-9371
christine.robinson@kingcounty.gov

Please review Judge Prochnau's webpage at:
<http://www.kingcounty.gov/courts/SuperiorCourt/judges/prochnau.aspx>

****Please DO NOT email working copies to the bailiff absent advance authorization.**
****Please be advised that the Clerks Office does not provide working copies to the court, unless the parties sign up for that additional service.**
It is the responsibility of the parties to make sure that the court receives working copies, prior to a hearing, in accordance with the rules.

****IMPORTANT: In order to avoid inappropriate ex-parte contact, you are hereby directed to forward this communication to all other counsel not already copied on this e-mail.**

From: Gianoli, Angela
Sent: Monday, March 21, 2011 11:12 AM
To: Robinson, Christine
Cc: Adams, Steven; Deckman, Emily; Jensen, Jackie
Subject: Contested Findings Hearing--Arturo Ramirez Soto 09-8-03807-6 SEA

Greetings.

As you may remember Judge Prochnau presided over Arturo Ramirez Soto's juvenile trial this past summer. Well, this case is still kicking around a bit and the parties would like to set a contested hearing to address Findings of Fact and Conclusions of Law. Would you mind setting a hearing to address this issue as soon as Judge Prochnau has time and availability? Please let me know if there's any other information you need from me.

Thanks so much.

Angela Gianoli

Deputy Prosecuting Attorney
King County Prosecutor's Office--DV Unit
Email: angela.gianoli@kingcounty.gov
Phone: (206) 205-7422
Fax: (206) 205-7450

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APPENDIX C

FILED
KING COUNTY, WASHINGTON

APR 08 2011

SUPERIOR COURT CLERK
EILEEN L. MCLEOD
DEPUTY

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

ARTURO RAMIREZ SOTO,

Respondent.

No. 09-8-03807-6 SEA

DECLARATION OF RULE 9 DEPUTY
PROSECUTING ATTORNEY

I, the undersigned, hereby declare that I am 18 years of age, competent to testify in a court of law, and familiar with the facts contained herein:

1. I am a Rule 9 Deputy Prosecuting Attorney with the King County Prosecutor's Office.
2. I was the assisting trial attorney in the above captioned case.
3. Deputy Prosecuting Attorney Angela Gianoli drafted the Findings of Fact and Conclusion of Law on November 17, 2010. On that same date, I emailed the State's Proposed Findings to the Respondent's counsel, Steven Adams and Emily Deckman, with a request that they sign the

DECLARATION OF RULE 9 DEPUTY
PROSECUTING ATTORNEY - 1

Daniel T. Satterberg, Prosecuting Attorney
Norm Maleng Regional Justice Center
401 Fourth Avenue North
Kent, Washington 98032-4429

1 findings and submit them to our office for filing with the Court. A true and correct copy of that
2 email is attached as Exhibit A.

3 4. There was no response to the email I sent defense counsel on November 17, 2010, suggesting
4 that the email was not rejected by the server due to an improper address or other technological
5 issue.

6 5. I was informed by DPA Angela Gianoli on February 18, 2011 that she was contacted by our
7 office's Appellate Unit and informed that the findings of fact and conclusions of law, pursuant to
8 JuCR 7.11(d) could not be located in the electronic court record or the original prosecutor's file.

9 6. On February 22, 2011, Angela Gianoli emailed Steven Adams and Emily Deckman again
10 requesting that they review and sign the findings should they be to their satisfaction or notify the
11 State if they would prefer that a contested hearing be set in front of Judge Prochnau. A true and
12 correct copy of that email is attached as Exhibit B.

13 7. On March 3, 2011, Steven Adams emailed Angela Gianoli a copy of the Respondent's
14 proposed changes to the findings of fact. A true and correct copy of that email is attached as
15 Exhibit C.

16 8. On March 12, 2011, Angela Gianoli sent an email to Steven Adams and Emily Deckman with
17 revisions to the Respondent's proposed findings. A true and correct copy of that email is attached
18 as Exhibit D.

19 9. When the State did not receive word from Repondent's counsel, Angela Gianoli contacted
20 Judge Prochnau's Clerk on March 21, 2011 and requested that a contested hearing be set to
21 address the Findings of Fact. The earliest date that the Court and Respondent's counsel was
22 available was April 8, 2011. A true and correct copy of that email is attached as Exhibit E.

23 10. On April 8, 2011 these findings and conclusions were presented to the trial judge, the

DECLARATION OF RULE 9 DEPUTY
PROSECUTING ATTORNEY - 2

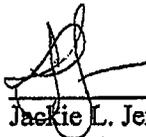
Daniel T. Satterberg, Prosecuting Attorney
Norm Maleng Regional Justice Center
401 Fourth Avenue North
Kent, Washington 98032-4429

1 Honorable Kimberly Prochnau. The findings were signed by both parties and the court and
2 entered into the record.

3 11. I have never discussed the appeal with either Steven Adams or Emily Deckman.

4 12. I have not reviewed the appellate file or any documents related thereto in the above captioned
5 case. I have not spoken with anyone regarding the appellate issues being raised in the above
6 captioned case. I have no knowledge of any appellate issue being raised in this matter.

7
8 Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is
9 true and correct. Signed and dated by me this 8th day of April, 2011, at Kent, Washington.

10
11 
12 Jackie L. Jensen, Rule 9 Intern
13 Deputy Prosecuting Attorney
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DECLARATION OF RULE 9 DEPUTY
PROSECUTING ATTORNEY - 3

Daniel T. Satterberg, Prosecuting Attorney
Norm Maleng Regional Justice Center
401 Fourth Avenue North
Kent, Washington 98032-4429

EXHIBIT A

, Jackie
Jay, November 17, 2010 11:55 AM
teven; 'Deckman, Emily'
ngela
 Ramirez-Soto Findings of Fact

Dear Steve and Emily,

Attached are our Findings of Fact with regard to Ramirez-Soto. Please review them, and if they appear to your satisfaction, please sign a copy and send them to our office for filing with the Court. If you have changes, please note them and send them back. Let me know if you have any questions.

Thanks,

Jackie Jensen
King County Prosecuting Attorney's Office
Juvenile Division
(206) 296-8857

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

STATE OF WASHINGTON,

Plaintiff,

vs.

ARTURO RAMIREZ-SOTO,
B.D. 1/25/92,

Respondent.

No. 09-8-03807-6

FINDINGS OF FACT AND
CONCLUSIONS OF LAW
PURSUANT TO JuCR 7.11(d)

THE ABOVE-ENTITLED CAUSE, having come on for fact-finding on July 19, 2010, before Judge Prochnau, in the above-entitled court; the State of Washington having been represented by Deputy Prosecuting Attorney Angela Gianoli and Rule 9 Intern Jackie Jensen; the Respondent appearing in person and having been represented by his attorneys, Steven Adams and Emily Deckman, the court having heard sworn testimony and arguments of counsel, now makes and enters the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. On July 26, 2009, Richard "Ricky" Shiplett and Matthew "Matt" Cecil were riding their bikes along the Greenlake bike path located in Seattle, Washington. Shortly after arriving at Greenlake, Ricky was forced to push his bike because he discovered his tire was flat. Matt did the same in an effort to stay with Ricky.
2. While walking their bikes along the Greenlake path, Ricky and Matt came upon the Bathhouse Theater, where they observed a group of people. Ricky and Matt were approached by a juvenile male they both knew as Jonathan "Johnny" Dawson-Harris. Dawson-Harris appeared and acted intoxicated.
3. Harris asked Ricky and Matt if they had any beer or money, to which they replied "no." Ricky and Matt attempted to continue on their way, but were again asked by Dawson-

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Daniel T. Satterberg, Prosecuting Attorney
Juvenile Court
1211 E. Alder
Seattle, Washington 98122
(206) 296-9025, FAX (206) 296-8869

1 Harris for beer or money. Again, Ricky and Matt told Dawson-Harris that they did not
2 have any beer or money.

- 3 4. At this point, Dawson-Harris took an aggressive stance towards Matt and Ricky.
4 Dawson-Harris took a swing at Matt. Matt responded by swinging back, and made
5 contact with Dawson-Harris, causing him to fall to the ground.
- 6 5. Shortly after Matt swung at Dawson-Harris, a group of individuals, including the
7 Respondent Arturo Ramirez-Soto, observed Matt standing over Dawson-Harris and
8 rushed towards Matt and Ricky's location. A physical altercation ensued between the
9 group and Ricky and Matt.
- 10 6. Several minutes later, Michael Burge and Ryan Ira, friends of Matt and Ricky, arrived at
11 the Bathhouse Theater parking lot driving an SUV belonging to Michael's father, John
12 Burge. Michael and Ryan had arranged earlier in the evening to meet Ricky and Matt
13 with their bikes at Greenlake.
- 14 7. As Michael and Ryan pulled into the Bathhouse parking lot, the beams of the SUV's
15 headlights illuminated the altercation that was taking place on the lawn in front of them.
16 They recognized Ricky and Matt as two of the individuals involved in the physical
17 altercation. Michael and Ryan observed the Respondent on top of Ricky and saw Matt
18 standing nearby, his face and shirt covered in blood.
- 19 8. Michael and Ryan exited the SUV and rushed to their friends' aid. Ryan attempted to
20 pull the Respondent off of Ricky. Michael, who had a broken arm, ran to Matt's side to
21 see if he was okay. Michael and Ryan were able to remove their friends from this
22 altercation and the four boys ran to Michael's SUV. Ricky and Matt were carrying their
23 bikes with them. As they fled to the vehicle, they were chased by several of the
24 individuals who had been fighting with them, including the Respondent.
9. Matt was able to load his bike into the back of the SUV and jump into the rear cargo area.
As Matt was attempting to close the rear hatch, the Respondent and four to five other
males also involved in the physical altercation, including Dawson-Harris grabbed onto
Matt's bike and continually attempted to pull the bike from the SUV.
10. As Matt was sitting in the rear cargo area, the Respondent punched him in the left eye
causing a bleeding laceration on his eyebrow and his eye to swell shut. Through the
struggle, Matt was able to reach up, grab the hatch door and shut the rear hatch door to
the SUV.
11. Michael, who jumped into the driver's seat, attempted several times to drive the car away,
but the Respondent and the other males continued to surround the car on all sides
preventing them from leaving the scene without running one of the males over.

- 1 12. Simultaneously, the Respondent began banging on the rear hatch window. After striking
2 the window several times, the Respondent was successful in punching through the back
3 window causing shards of glass to disperse into the rear of the SUV and into Matt's eye.
- 4 13. Moments later, Ricky, who was seated in the backseat, jumped out of the SUV and began
5 distracting the group in an attempt to lure them away from the vehicle.
- 6 14. As Ricky became separated from the vehicle, the group of males began to pursue Ricky
7 with Dawson-Harris and the Respondent in the lead. Ricky was chased by the group of
8 four to six males to a nearby residential lawn. While Ricky was being chased he tripped
9 and landed on the ground.
- 10 15. The group of aggressors, including the Respondent, descended upon Ricky as he lay on
11 the ground, surrounded him and began kicking and stomping him multiple times in the
12 head, face, and torso. A few moments after the attack began, Ricky saw flashes of white
13 and then lost consciousness.
- 14 16. Michael Burge and Ryan Ira were able to observe Ricky on the ground as they drove a
15 few houses away and called 911. Ryan Ira frantically told the 911 dispatcher that the
16 males "broke the window out" and there are now "five guys beating the shit out of one
17 guy." Ryan further stated that Ricky had "broken bones" "he can't stand" and "he's
18 bleeding all over the place." Ryan identified four of the males assaulting Ricky including
19 the Respondent. Within minutes, sirens could be heard, and the group of attackers fled
20 from the scene.
- 21 17. Several witnesses observed portions of this incident. Jim Wood, and his wife Martha
22 Shapiro, were awakened to the sounds of a fight outside of their house, located on West
23 Greenlake Drive North. They both witnessed silhouettes of individuals, one possibly
24 carrying a stick or bat, and they heard the sound of a car speeding up and slowing down.
They could see an individual standing in front of the car as the car tried to move forward.
Jim Wood called 911 to report the incident.
18. Additionally, Brett Keeler was driving with a friend on West Greenlake Drive North
when he passed a group of individuals surrounding a car, and pulling items out of the
hatch. Believing a crime was in progress, Mr. Keeler turned his car around to have
another look at what was going on, and then called 911 to report the suspicious activity.
19. As police arrived, Officer Audi Acuesta observed Ricky wandering a few blocks from the
scene of the assault, walking his bike. Ricky approached the officer, visibly dazed and
severely injured. Ricky was unable to provide Officer Acuesta his name or an
explanation for what he was doing there.
20. EMTs arrived on the scene and administered aid to both Ricky and Matt, and took both
boys to Harborview Medical Center. Matt had glass shards in his eye, as well as facial
lacerations. Ricky suffered a broken nose, facial lacerations and dental injuries. In

1 addition, Ricky lost consciousness and wasn't fully aware of what happened to him until
2 he awoke at Harborview Medical Center the next morning.

3 **CONCLUSIONS OF LAW**

4 **I.**

The above court has jurisdiction of the subject matter and of the Respondent, ARTURO RAMIREZ- SOTO, who was born January 25, 1992, in the above-entitled case.

6 **II.**

7 The Court finds the Respondent guilty of Assault in the Second Degree, contrary to RCW 9A.36.021, as the State has proven the following elements beyond a reasonable doubt:

8 (1) That on or about July 26, 2009, the Respondent intentionally assaulted Richard Shiplett; and

9 (2) That the Respondent thereby recklessly inflicted substantial bodily harm on Richard Shiplett; and

10 (3) That these acts occurred in the State of Washington, County of King.

11 In making these findings, the court relied upon witness testimony and evidence introduced at trial.

12 **III.**

13 The Court finds the Respondent guilty of Malicious Mischief in the Third Degree, contrary to RCW 9A.48.090, as the State has proven the following elements beyond a reasonable doubt:

14 (1) That on or about July 26, 2009, the Respondent knowingly and maliciously caused physical damage to the property of another in an amount not exceeding \$750; and

15 (2) That this act occurred in the State of Washington, County of King.

16 **V.**

17 Judgment should be entered in accordance with Conclusions of Law II and III. In addition to these written findings and conclusions, the Court hereby incorporates its oral findings and conclusions as reflected in the record.

18 SIGNED this ____ day of November, 2010

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THE HON. KIMBERLY PROCHNAU

Presented by:

Angela Gianoli, WSBA #
Deputy Prosecuting Attorney

Steve Adams, WSBA
Emily Deckman, WSBA
Attorneys for Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Daniel T. Satterberg, Prosecuting Attorney
Juvenile Court
1211 E. Alder
Seattle, Washington 98122
(206) 296-9025, FAX (206) 296-8869

EXHIBIT B



, Angela
, February 22, 2011 5:03 PM
, Emily; Adams, Steven
ackie; Glanoll, Angela
 Ramirez-Soto Findings of Fact

Hello Steve and Emily.

I wanted to quickly touch base with you both about the Arturo Ramirez-Soto case. It has come to my attention that findings of fact were never signed and submitted to the Court. I have included an email sent by Jackie Jensen on November 17, 2010 requesting your review and signature, should the findings be satisfactory. I don't believe that was ever done. At your soonest convenience please review these findings and either sign them or let me know if you would like me to set a hearing in front of Judge Prochnau. If I do not receive word within the next few days I will assume that a hearing will be needed and I will contact the court to do so. Please let me know if you have any questions.

Thank you.

, Jackie
Jay, November 17, 2010 11:55 AM
teven; 'Deckman, Emily'
ngela
 Ramirez-Soto Findings of Fact

Dear Steve and Emily,

Attached are our Findings of Fact with regard to Ramirez-Soto. Please review them, and if they appear to your satisfaction, please sign a copy and send them to our office for filing with the Court. If you have changes, please note them and send them back. Let me know if you have any questions.

Thanks,

Jackie Jensen
King County Prosecuting Attorney's Office
Juvenile Division
(206) 296-8857



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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

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STATE OF WASHINGTON,

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Plaintiff,

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No. 09-8-03807-6

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vs.

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ARTURO RAMIREZ-SOTO,
B.D. 1/25/92,

)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW
PURSUANT TO JuCR 7.11(d)

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Respondent.

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THE ABOVE-ENTITLED CAUSE, having come on for fact-finding on July 19, 2010, before Judge Prochnau, in the above-entitled court; the State of Washington having been represented by Deputy Prosecuting Attorney Angela Gianoli and Rule 9 Intern Jackie Jensen; the Respondent appearing in person and having been represented by his attorneys, Steven Adams and Emily Deckman, the court having heard sworn testimony and arguments of counsel, now makes and enters the following findings of fact and conclusions of law.

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FINDINGS OF FACT

18

1. On July 26, 2009, Richard "Ricky" Shiplott and Matthew "Matt" Cecil were riding their bikes along the Greenlake bike path located in Seattle, Washington. Shortly after arriving at Greenlake, Ricky was forced to push his bike because he discovered his tire was flat. Matt did the same in an effort to stay with Ricky.

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2. While walking their bikes along the Greenlake path, Ricky and Matt came upon the Bathhouse Theater, where they observed a group of people. Ricky and Matt were approached by a juvenile male they both knew as Jonathan "Johnny" Dawson-Harris. Dawson-Harris appeared and acted intoxicated.

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3. Harris asked Ricky and Matt if they had any beer or money, to which they replied "no." Ricky and Matt attempted to continue on their way, but were again asked by Dawson-

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

Daniel T. Satterberg, Prosecuting Attorney
Juvenile Court
1211 E. Alder
Seattle, Washington 98122
(206) 296-9025, FAX (206) 296-8869

1 Harris for beer or money. Again, Ricky and Matt told Dawson-Harris that they did not
2 have any beer or money.

- 3 4. At this point, Dawson-Harris took an aggressive stance towards Matt and Ricky.
4 Dawson-Harris took a swing at Matt. Matt responded by swinging back, and made
5 contact with Dawson-Harris, causing him to fall to the ground.
- 6 5. Shortly after Matt swung at Dawson-Harris, a group of individuals, including the
7 Respondent Arturo Ramirez-Soto, observed Matt standing over Dawson-Harris and
8 rushed towards Matt and Ricky's location. A physical altercation ensued between the
9 group and Ricky and Matt.
- 10 6. Several minutes later, Michael Burge and Ryan Ira, friends of Matt and Ricky, arrived at
11 the Bathhouse Theater parking lot driving an SUV belonging to Michael's father, John
12 Burge. Michael and Ryan had arranged earlier in the evening to meet Ricky and Matt
13 with their bikes at Greenlake.
- 14 7. As Michael and Ryan pulled into the Bathhouse parking lot, the beams of the SUV's
15 headlights illuminated the altercation that was taking place on the lawn in front of them.
16 They recognized Ricky and Matt as two of the individuals involved in the physical
17 altercation. Michael and Ryan observed the Respondent on top of Ricky and saw Matt
18 standing nearby, his face and shirt covered in blood.
- 19 8. Michael and Ryan exited the SUV and rushed to their friends' aid. Ryan attempted to
20 pull the Respondent off of Ricky. Michael, who had a broken arm, ran to Matt's side to
21 see if he was okay. Michael and Ryan were able to remove their friends from this
22 altercation and the four boys ran to Michael's SUV. Ricky and Matt were carrying their
23 bikes with them. As they fled to the vehicle, they were chased by several of the
24 individuals who had been fighting with them, including the Respondent.
9. Matt was able to load his bike into the back of the SUV and jump into the rear cargo area.
As Matt was attempting to close the rear hatch, the Respondent and four to five other
males also involved in the physical altercation, including Dawson-Harris grabbed onto
Matt's bike and continually attempted to pull the bike from the SUV.
10. As Matt was sitting in the rear cargo area, the Respondent punched him in the left eye
causing a bleeding laceration on his eyebrow and his eye to swell shut. Through the
struggle, Matt was able to reach up, grab the hatch door and shut the rear hatch door to
the SUV.
11. Michael, who jumped into the driver's seat, attempted several times to drive the car away,
but the Respondent and the other males continued to surround the car on all sides
preventing them from leaving the scene without running one of the males over.

- 1 12. Simultaneously, the Respondent began banging on the rear hatch window. After striking
2 the window several times, the Respondent was successful in punching through the back
3 window causing shards of glass to disperse into the rear of the SUV and into Matt's eye.
- 4 13. Moments later, Ricky, who was seated in the backseat, jumped out of the SUV and began
5 distracting the group in an attempt to lure them away from the vehicle.
- 6 14. As Ricky became separated from the vehicle, the group of males began to pursue Ricky
7 with Dawson-Harris and the Respondent in the lead. Ricky was chased by the group of
8 four to six males to a nearby residential lawn. While Ricky was being chased he tripped
9 and landed on the ground.
- 10 15. The group of aggressors, including the Respondent, descended upon Ricky as he lay on
11 the ground, surrounded him and began kicking and stomping him multiple times in the
12 head, face, and torso. A few moments after the attack began, Ricky saw flashes of white
13 and then lost consciousness.
- 14 16. Michael Burge and Ryan Ira were able to observe Ricky on the ground as they drove a
15 few houses away and called 911. Ryan Ira frantically told the 911 dispatcher that the
16 males "broke the window out" and there are now "five guys beating the shit out of one
17 guy." Ryan further stated that Ricky had "broken bones" "he can't stand" and "he's
18 bleeding all over the place." Ryan identified four of the males assaulting Ricky including
19 the Respondent. Within minutes, sirens could be heard, and the group of attackers fled
20 from the scene.
- 21 17. Several witnesses observed portions of this incident. Jim Wood, and his wife Martha
22 Shapiro, were awakened to the sounds of a fight outside of their house, located on West
23 Greenlake Drive North. They both witnessed silhouettes of individuals, one possibly
24 carrying a stick or bat, and they heard the sound of a car speeding up and slowing down.
They could see an individual standing in front of the car as the car tried to move forward.
Jim Wood called 911 to report the incident.
18. Additionally, Brett Keeler was driving with a friend on West Greenlake Drive North
when he passed a group of individuals surrounding a car, and pulling items out of the
hatch. Believing a crime was in progress, Mr. Keeler turned his car around to have
another look at what was going on, and then called 911 to report the suspicious activity.
19. As police arrived, Officer Audi Acuesta observed Ricky wandering a few blocks from the
scene of the assault, walking his bike. Ricky approached the officer, visibly dazed and
severely injured. Ricky was unable to provide Officer Acuesta his name or an
explanation for what he was doing there.
20. EMTs arrived on the scene and administered aid to both Ricky and Matt, and took both
boys to Harborview Medical Center. Matt had glass shards in his eye, as well as facial
lacerations. Ricky suffered a broken nose, facial lacerations and dental injuries. In

1 addition, Ricky lost consciousness and wasn't fully aware of what happened to him until
2 he awoke at Harborview Medical Center the next morning.

3 **CONCLUSIONS OF LAW**

4 **I.**

4 The above court has jurisdiction of the subject matter and of the Respondent, ARTURO
5 RAMIREZ- SOTO, who was born January 25, 1992, in the above-entitled case.

6 **II.**

7 The Court finds the Respondent guilty of Assault in the Second Degree, contrary to RCW
8 9A.36.021, as the State has proven the following elements beyond a reasonable doubt:

8 (1) That on or about July 26, 2009, the Respondent intentionally assaulted Richard
9 Shipllett; and

10 (2) That the Respondent thereby recklessly inflicted substantial bodily harm on Richard
11 Shipllett; and

11 (3) That these acts occurred in the State of Washington, County of King.

12 In making these findings, the court relied upon witness testimony and evidence
13 introduced at trial.

14 **III.**

15 The Court finds the Respondent guilty of Malicious Mischief in the Third Degree,
16 contrary to RCW 9A.48.090, as the State has proven the following elements beyond a reasonable
17 doubt:

16 (1) That on or about July 26, 2009, the Respondent knowingly and maliciously caused
17 physical damage to the property of another in an amount not exceeding \$750; and

18 (2) That this act occurred in the State of Washington, County of King.

19 **V.**

20 Judgment should be entered in accordance with Conclusions of Law II and III. In
21 addition to these written findings and conclusions, the Court hereby incorporates its oral findings
22 and conclusions as reflected in the record.

23 SIGNED this ____ day of November, 2010

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THE HON. KIMBERLY PROCHNAU

Presented by:

Angela Gianoli, WSBA #
Deputy Prosecuting Attorney

Steve Adams, WSBA
Emily Deckman, WSBA
Attorneys for Respondent

EXHIBIT C



From: Adams, Steven
Sent: Thursday, March 03, 2011 3:07 PM
To: Gianoli, Angela
Cc: Jensen, Jackie; Deckman, Emily
Subject: Ramirez-Soto, Arturo

Angie:

Here is our suggested Findings of Fact. My changes are italicized and in bold.

Please let me know what you think. I'm sorry this took so long.

Steve

This e-mail and any files transmitted with it are intended only for the person or entity to which it is addressed and may contain confidential material and/or material protected by law. Any retransmission, dissemination or use of this information may be a violation of that law. If you received this e-mail in error, please contact the sender and delete the e-mail and its attachments from all computers.

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

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STATE OF WASHINGTON,

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Plaintiff,

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No. 09-8-03807-6

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vs.

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FINDINGS OF FACT AND

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ARTURO RAMIREZ-SOTO,

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CONCLUSIONS OF LAW

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B.D. 1/25/92,

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PURSUANT TO JuCR 7.11(d)

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Respondent.

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THE ABOVE-ENTITLED CAUSE, having come on for fact-finding on July 19, 2010, before Judge Prochnau, in the above-entitled court; the State of Washington having been represented by Deputy Prosecuting Attorney Angela Gianoli and Rule 9 Intern Jackie Jensen; the Respondent appearing in person and having been represented by his attorneys, Steven Adams and Emily Deckman, the court having heard sworn testimony and arguments of counsel, now makes and enters the following findings of fact and conclusions of law.

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FINDINGS OF FACT

18

1. On July 26, 2009, Richard "Ricky" Shiplett and Matthew "Matt" Cecil were riding their bikes along the Greenlake bike path located in Seattle, Washington. Shortly after arriving at Greenlake, Ricky was forced to push his bike because he discovered his tire was flat. Matt did the same in an effort to stay with Ricky. *Before arriving at Greenlake, Ricky had either purchased or stolen beer from a nearby 7-11 store. Ricky did not admit that that he obtained beer in his testimony. The Court discounted Ricky's testimony considerably due to memory problems resulting from a head injury in this incident, or a previous incident, or because he did not want his parents to know about his use of alcohol.*

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2. While walking their bikes along the Greenlake path, Ricky and Matt came upon the Bathhouse Theater, where they observed a group of people. Ricky and Matt were

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

Daniel T. Satterberg, Prosecuting Attorney
Juvenile Court
1211 E. Alder
Seattle, Washington 98122
(206) 296-9025, FAX (206) 296-8869

1 approached by a juvenile male they both knew as Jonathan "Johnny" Dawson-Harris.
2 Dawson-Harris appeared and acted intoxicated.

3 3. Harris asked Ricky and Matt if they had any beer or money, to which they replied "no."
4 Ricky and Matt attempted to continue on their way, but were again asked by Dawson-
5 Harris for beer or money. Again, Ricky and Matt told Dawson-Harris that they did not
6 have any beer or money.

7 4. *At this point, Dawson-Harris took an aggressive stance towards Matt and Ricky.*
8 *Dawson-Harris and Ricky exchanged punches. Dawson-Harris looked like he was*
9 *going to swing at Matt. Matt responded by punching him and causing him to fall to*
10 *the ground, knocked out.*

11 5. *Shortly after Matt swung at Dawson-Harris, a group of individuals observed Matt*
12 *standing over Dawson-Harris and rushed towards Matt and Ricky's location. A*
13 *physical altercation ensued between the group and Ricky and Matt. Matt, who knew*
14 *Arturo Ramirez-Soto, was certain that Arturo Ramirez-Soto was not in the group at*
15 *that time. Ricky was punched in the face multiple times during this altercation.*

16 6. *There is not proof beyond a reasonable doubt that Arturo Ramirez-Soto was the person*
17 *who assaulted Ricky at this point in time, or that if he did, it was part of a mutual*
18 *combat or in reasonable self-defense of another.*

19 7. Several minutes later, Michael Burge and Ryan Ira, friends of Matt and Ricky, arrived at
20 the Bathhouse Theater parking lot driving an SUV belonging to Michael's father, John
21 Burge. Michael and Ryan had arranged earlier in the evening to meet Ricky and Matt
22 with their bikes at Greenlake.

23 8. As Michael and Ryan pulled into the Bathhouse parking lot, the beams of the SUV's
24 headlights illuminated the altercation that was taking place on the lawn in front of them.
They recognized Ricky and Matt as two of the individuals involved in the physical
altercation. *Michael and Ryan thought the Respondent was on top of Ricky and saw*
Matt standing nearby, his face and shirt covered in blood. Neither Ricky nor Matt
thought the Respondent was involved in fighting with Ricky at this point in time. Ricky
specifically recalled fighting with a large person who had a tattoo that the Respondent
did not have.

9. Michael and Ryan exited the SUV and rushed to their friends' aid. *Ryan attempted to*
pull a person off of Ricky. Michael, who had a broken arm, ran to Matt's side to see if
he was okay. Michael and Ryan were able to remove their friends from this altercation
and the four boys ran to Michael's SUV. Ricky and Matt were carrying their bikes with
them. As they fled to the vehicle, they were *followed* by several of the individuals who
had been fighting with them, including the Respondent.

10. Matt was able to load his bike into the back of the SUV and jump into the rear cargo area.
As Matt was attempting to close the rear hatch, the Respondent and four to five other

1 males also involved in the physical altercation, including Dawson-Harris grabbed onto
2 Matt's bike and continually attempted to pull the bike from the SUV.

3 11. As Matt was sitting in the rear cargo area, the Respondent punched him in the left eye
4 causing a bleeding laceration on his eyebrow and his eye to swell shut. Through the
5 struggle, Matt was able to reach up, grab the hatch door and shut the rear hatch door to
6 the SUV.

7 12. Michael, who jumped into the driver's seat, attempted several times to drive the car away,
8 but the Respondent and the other males continued to surround the car on all sides
9 preventing them from leaving the scene without running one of the males over.

10 13. Simultaneously, the Respondent *and others* began banging on the rear hatch window.
11 After striking the window several times *members of the group* were successful in
12 punching through the back window causing shards of glass to disperse into the rear of the
13 SUV and into Matt's eye.

14 14. Moments later, Ricky, who was seated in the backseat, jumped out of the SUV and began
15 distracting the group in an attempt to lure them away from the vehicle.

16 15. As Ricky became separated from the vehicle, the group of males began to pursue Ricky
17 *including* Dawson-Harris and the Respondent. *Ricky was backpedalling as a group of*
18 *four to six males followed him to a nearby residential lawn. Ricky tripped and landed*
19 *on the ground.*

20 16. *The group of aggressors, including the Respondent, surrounded Ricky and began*
21 *kicking and stomping him multiple times in the head, face, and torso. Ricky lost*
22 *consciousness briefly and did not recall the incident; he had impaired memory issues*
23 *in the past.*

24 17. Michael Burge and Ryan Ira were able to observe Ricky on the ground as they drove a
few houses away and called 911. Ryan Ira frantically told the 911 dispatcher that the
males "broke the window out" and there are now "five guys beating the shit out of one
guy." Ryan further stated that Ricky had "broken bones" "he can't stand" and "he's
bleeding all over the place." *Ryan described four of the males assaulting Ricky but did*
not know them by name. Within minutes, sirens could be heard, and the group of
attackers fled from the scene.

18. Several witnesses observed portions of this incident. Jim Wood, and his wife Martha
Shapiro, were awakened to the sounds of a fight outside of their house, located on West
Greenlake Drive North. They both witnessed silhouettes of individuals, one possibly
carrying a stick or bat, and they heard the sound of a car speeding up and slowing down.
They could see an individual standing in front of the car as the car tried to move forward.
Jim Wood called 911 to report the incident.

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19. Additionally, Brett Keeler was driving with a friend on West Greenlake Drive North when he passed a group of individuals surrounding a car, and pulling items out of the hatch. Believing a crime was in progress, Mr. Keeler turned his car around to have another look at what was going on, and then called 911 to report the suspicious activity.

20. As police arrived, Officer Audi Acuesta observed Ricky wandering a few blocks from the scene of the assault, walking his bike. *Ricky approached the officer, visibly dazed, with multiple marks on this face. Ricky was unable to answer basic questions.*

21. *EMTs arrived on the scene and administered aid to both Ricky and Matt. Matt's injuries were not documented other than swelling. Ricky suffered nasal fractures and a lip laceration. In addition, Ricky said he briefly lost consciousness but he tested as normal on the Glasgow Coma Scale.*

CONCLUSIONS OF LAW

I.

The above court has jurisdiction of the subject matter and of the Respondent, ARTURO RAMIREZ- SOTO, who was born January 25, 1992, in the above-entitled case.

II.

The Court finds the Respondent guilty of Assault in the Second Degree, contrary to RCW 9A.36.021, as the State has proven the following elements beyond a reasonable doubt:

(1) That on or about July 26, 2009, the Respondent intentionally assaulted Richard Shiplett; and

(2) That the Respondent thereby recklessly inflicted substantial bodily harm on Richard Shiplett; and

(3) That these acts occurred in the State of Washington, County of King.

In making these findings, the court relied upon witness testimony and evidence introduced at trial.

III.

The Court finds Arturo Ramirez-Soto not guilty of Assault in the Second Degree against Matt Cecil as charged in Count II.

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IV.

The Court finds the Respondent guilty of Malicious Mischief in the Third Degree, contrary to RCW 9A.48.090, as the State has proven the following elements beyond a reasonable doubt:

(1) That on or about July 26, 2009, the Respondent knowingly and maliciously caused physical damage to the property of another in an amount not exceeding \$750; and

(2) That this act occurred in the State of Washington, County of King.

V.

Judgment should be entered in accordance with Conclusions of Law II, III, and IV. In addition to these written findings and conclusions, the Court hereby incorporates its oral findings and conclusions as reflected in the record.

SIGNED this ____ day of November, 2010

THE HON. KIMBERLY PROCHNAU

Presented by:

Angela Gianoli, WSBA #
Deputy Prosecuting Attorney

Steve Adams, WSBA
Emily Deckman, WSBA
Attorneys for Respondent

EXHIBIT D

, Angela
/, March 12, 2011 10:55 AM
teven; Deckman, Emily
ackie
oto Findings

Hello.

Attached please find an amended copy of the Soto Findings. I've noted my changes in red. Please also compare these with the previous version of the findings because there are a few things that I deleted. Let me know if you are satisfied with the findings and we will get them filed, otherwise I can set a contested hearing.

Thank you.

Angela Gianoli

Deputy Prosecuting Attorney
King County Prosecutor's Office--DV Unit
Email: angela.gianoli@kingcounty.gov
Phone: (206) 205-7422
Fax: (206) 205-7450

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

STATE OF WASHINGTON,)	
)	
)	No. 09-8-03807-6
)	
vs.)	
)	FINDINGS OF FACT AND
ARTURO RAMIREZ-SOTO,)	CONCLUSIONS OF LAW
B.D. 1/25/92,)	PURSUANT TO JuCR 7.11(d)
)	
)	
Respondent.)	
)	
)	

THE ABOVE-ENTITLED CAUSE, having come on for fact-finding on July 19, 2010, before Judge Prochnau, in the above-entitled court; the State of Washington having been represented by Deputy Prosecuting Attorney Angela Gianoli and Rule 9 Intern Jackie Jensen; the Respondent appearing in person and having been represented by his attorneys, Steven Adams and Emily Deckman, the court having heard sworn testimony and arguments of counsel, now makes and enters the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. On the evening of July 26, 2009, Richard "Ricky" Shiplett and Matthew "Matt" Cecil made arrangements to meet-up with their two friends, Ryan Ira and Michael Burge at Beth's Café located on Aurora Avenue, near Green Lake. Matt and Ricky rode their bicycles to the restaurant, while Ryan and Michael drove.
2. After Ricky and Matt finished eating they left Ryan and Michael at Beth's Café and headed down to Green Lake, where the group planned to meet later that evening. Before arriving at Greencake, Ricky came into possession of some beer. Ricky did not admit that that he obtained beer in his testimony. Ricky's testimony was discounted considerably due to memory problems resulting from a head injury in this incident, or a previous incident, or because he did not want his parents to know about his use of alcohol that evening. Matt partially consumed a beer before the incident. Both Matt and Ryan stated

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Daniel T. Satterberg, Prosecuting Attorney
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that they were not intoxicated, nor was their ability to perceive events altered by their alcohol consumption. Ryan and Michael did not consume any alcohol that evening.

3. As Ricky and Matt arrived at Greenlake they rode their bikes along the Greenlake bike path located in Seattle, Washington. Shortly after arriving at Greenlake, Ricky was forced to push his bike because he discovered his tire was flat after running over something causing it to puncture. Matt did the same in an effort to stay with Ricky.
4. While walking their bikes along the Greenlake path, Ricky and Matt came upon the Bathhouse Theater, where they observed a group of people. Ricky and Matt were approached by a juvenile male they both knew as Jonathan "Johnny" Dawson-Harris. Dawson-Harris appeared and acted intoxicated.
5. Dawson-Harris asked Ricky and Matt if they had any beer or money, to which they replied "no." Ricky and Matt attempted to continue on their way, but were again asked by Dawson-Harris for beer or money. Again, Ricky and Matt told Dawson-Harris that they did not have any beer or money.
6. At this point, Dawson-Harris took an aggressive stance towards Matt and Ricky. Dawson-Harris and Ricky exchanged words. Dawson-Harris looked like he was going to swing and punch Matt. Matt responded by punching him and causing him to fall to the ground, apparently and possibly unconscious.
7. Shortly after Matt swung at Dawson-Harris, a group of individuals observed Matt standing over Dawson-Harris and rushed towards Matt and Ricky's location. A physical altercation ensued between the group and Ricky and Matt. Ricky was punched in the face multiple times during this altercation. However, he was not bleeding at this point nor was his nose broken.
8. There is not proof beyond a reasonable doubt that Arturo Ramirez-Soto was the person who assaulted Matt or Ricky at this point in time, or that if he did, it was part of a mutual combat or in reasonable self-defense of another.
9. During the altercation, Michael Burge and Ryan Ira, arrived at the Bathhouse Theater parking lot driving an SUV belonging to Michael's father, John Burge. As Michael and Ryan pulled into the Bathhouse parking lot, the beams of the SUV's headlights illuminated the altercation that was taking place on the lawn in front of them. They recognized Ricky and Matt as two of the individuals involved in the physical altercation. Michael and Ryan saw Arturo Ramirez-Soto on top of Ricky and saw Matt standing nearby, his face and shirt covered in blood. Ricky was not bleeding and had no blood on him. Neither Ricky nor Matt thought the Respondent was involved in fighting with Ricky at this point in time. Ricky specifically recalled fighting with a large person who had a tattoo on his left arm that the Respondent did not have.
10. Michael and Ryan exited the SUV and rushed to their friends' aid. Ryan attempted to pull a person off of Ricky. Michael, who had a broken arm, ran to Matt's side to see if he

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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 Juvenile Court
 1211 E. Alder
 Seattle, Washington 98122
 (206) 296-9025, FAX (206) 296-8869

1 was okay. Michael and Ryan were able to remove their friends from this altercation and
2 the four boys ran to Michael's SUV which was parked nearby. Ricky and Matt were
3 carrying their bikes with them. As they fled to the vehicle, they were followed by several
4 of the individuals who had been fighting with them, including the Respondent.

5 11. Matt was able to load his bike into the back of the SUV and jump into the rear cargo area
6 of the vehicle. As Matt was attempting to close the rear hatch, the Respondent and four
7 to five other males, also involved in the physical altercation, including Dawson-Harris
8 grabbed onto Matt's bike and continually attempted to pull the bike from the SUV.

9 12. As Matt was sitting in the rear cargo area, the Respondent punched him in the left eye
10 causing a bleeding laceration on his eyebrow and his eye to swell shut. Through the
11 struggle, Matt was able to reach up, grab the hatch door and shut the rear hatch door to
12 the SUV.

13 13. Michael, who jumped into the driver's seat, attempted several times to drive the car away,
14 but the Respondent and the other males continued to surround the car on all sides
15 preventing them from leaving the scene without running one of the males over.

16 14. Simultaneously, the Respondent and others began banging on the rear hatch window.
17 After striking the window several times the Respondent along with members of the group
18 were successful in punching through the back window causing shards of glass to disperse
19 into the rear of the SUV and into Matt's eye.

20 15. Moments later, Ricky, who was seated in the backseat, jumped out of the SUV and began
21 distracting the group in an attempt to lure them away from the vehicle.

22 16. As Ricky became separated from the vehicle, the group of males began to pursue Ricky
23 including Dawson-Harris and the Respondent. Ricky was backpedalling as a group of
24 four to six males followed him to a nearby residential lawn. Ricky tripped backwards
and landed on the ground.

17 17. The group of aggressors, including the Respondent and Dawson-Harris, surrounded
18 Ricky and began kicking and stomping him multiple times in the head, face, and torso.
19 As Ricky was being kicked he lost consciousness and did not recall much of the incident;
20 he had impaired memory issues in the past. The next memory Ricky has is of him
21 walking on the street with his bike in hand, bloody, and a police officer approaching him.

22 18. Matt, Michael Burge and Ryan Ira observed Ricky on the ground as he was being kicked
23 and stomped. They drove a few houses away, to a safe location away from the group,
24 and called 911. Ryan Ira frantically told the 911 dispatcher that the males "broke the
window out" and there are now "five guys beating the shit out of one guy." Ryan further
stated that Ricky had "broken bones" "he can't stand" and "he's bleeding all over the
place." Ryan described four of the males, including their clothing, physical descriptions
and race, assaulting Ricky but did not know them by name. Of the group of males, Ryan

1 stated to dispatch that there was only one Hispanic male included in the group. Within
2 minutes, sirens could be heard, and the group of attackers fled from the scene.

3 19. Several witnesses observed portions of this incident. Jim Wood, and his wife Martha
4 Shapiro, were awakened to the sounds of a fight outside of their house, located on West
5 Greenlake Drive North. They both witnessed silhouettes of individuals, one possibly
6 carrying a stick or bat, and they heard the sound of a car speeding up and slowing down.
7 They could see an individual standing in front of the car as the car tried to move forward.
8 Jim Wood called 911 to report the incident.

9 20. Additionally, Brett Keeler was driving with a friend on West Greenlake Drive North
10 when he passed a group of individuals surrounding a car, and pulling items out of the
11 hatch. Believing a crime was in progress, Mr. Keeler turned his car around to have
12 another look at what was going on, and then called 911 to report the suspicious activity.

13 21. As police arrived, Officer Audi Acuesta observed Ricky wandering a few blocks from the
14 scene of the assault, walking his bike. Ricky approached the officer, visibly dazed, with
15 multiple lacerations on this face. Ricky was unable to answer basic questions. Officer
16 Acuesta saw a backpack near Ricky and in an attempt to find identification, looked through
17 the bag. He was able to locate a student ID card belonging to Ricky. Matt was able to
18 identify Ricky to officers and told the police at the scene that one of the assailants was
19 Arturo Ramirez-Soto.

20 22. EMTs arrived on scene and administered aid to both Ricky and Matt. Matt's injuries
21 including swelling and a laceration above his left eye. Matt further suffered
22 complications to his peripheral vision due to the shards of glass which landed in eye..
23 Both Matt and Ricky were transported by ambulance to Harborview Medical Center.
24 There, Ricky was diagnosed with nasal fractures and a lip laceration. A nasal canula had
to be inserted into Ricky's mouth as his nasal passage was too damaged to insert the tube.
Matt was treated for the laceration to his left, as well as for the shards of glass that were
in his eye by rinsing his eye out. In addition, Ricky said he lost consciousness, but he
tested as normal on the Glasgow Coma Scale.

CONCLUSIONS OF LAW

I.

The above court has jurisdiction of the subject matter and of the Respondent, ARTURO
RAMIREZ- SOTO, who was born January 25, 1992, in the above-entitled case.

II.

The Court finds the Respondent guilty of Assault in the Second Degree, contrary to RCW
9A.36.021, as the State has proven the following elements beyond a reasonable doubt:

(1) That on or about July 26, 2009, the Respondent intentionally assaulted Richard
Shiplett; and

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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(2) That the Respondent thereby recklessly inflicted substantial bodily harm on Richard Shiplett; and

(3) That these acts occurred in the State of Washington, County of King.

In making these findings, the court relied upon witness testimony and evidence introduced at trial.

III.

The Court finds Arturo Ramirez-Soto not guilty of Assault in the Second Degree against Matt Cecil as charged in Count II.

IV.

The Court finds the Respondent guilty of Malicious Mischief in the Third Degree, contrary to RCW 9A.48.090, as the State has proven the following elements beyond a reasonable doubt:

(1) That on or about July 26, 2009, the Respondent knowingly and maliciously caused physical damage to the property of another in an amount not exceeding \$750; and

(2) That this act occurred in the State of Washington, County of King.

V.

Judgment should be entered in accordance with Conclusions of Law II, III, and IV. In addition to these written findings and conclusions, the Court hereby incorporates its oral findings and conclusions as reflected in the record.

SIGNED this ____ day of November, 2010

THE HON. KIMBERLY PROCHNAU

Presented by:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Daniel T. Satterberg, Prosecuting Attorney
Juvenile Court
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Angela Gianoli, WSBA #
Deputy Prosecuting Attorney

Steve Adams, WSBA
Emily Deckman, WSBA
Attorneys for Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Daniel T. Satterberg, Prosecuting Attorney
Juvenile Court
1211 E. Alder
Seattle, Washington 98122
(206) 296-9025, FAX (206) 296-8869

EXHIBIT E

From: Robinson, Christine
Sent: Wednesday, March 23, 2011 8:32 AM
To: Gianoli, Angela; Adams, Steven
Cc: Deckman, Emily; Jensen, Jackie
Subject: RE: Contested Findings Hearing--Arturo Ramirez Soto 09-8-03807-6 SEA

Confirmed.

Thank you

Christine Robinson
Bailiff to Judge Kimberley Prochnau
King County Courthouse
516 Third Avenue, W719
Seattle, WA 98104

Phone: 206-296-9260 / Fax: 206-296-9371

christine.robinson@kingcounty.gov

Please review Judge Prochnau's webpage at:

<http://www.kingcounty.gov/courts/SuperiorCourt/judges/prochnau.aspx>

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It is the responsibility of the parties to make sure that the court receives working copies, prior to a hearing, in accordance with the rules.

****IMPORTANT:** *In order to avoid inappropriate ex-parte contact, you are hereby directed to forward this*

communication to all other counsel not already copied on this e-mail.

From: Gianoli, Angela
Sent: Wednesday, March 23, 2011 8:25 AM
To: Robinson, Christine; Adams, Steven
Cc: Deckman, Emily; Jensen, Jackie
Subject: RE: Contested Findings Hearing--Arturo Ramirez Soto 09-8-03807-6 SEA

I believe the 8th at 10:00am works for all the parties.

Thank you.

Angela Gianoli

Deputy Prosecuting Attorney
King County Prosecutor's Office--DV Unit
Email: angela.gianoli@kingcounty.gov
Phone: (206) 205-7422
Fax: (206) 205-7450

From: Robinson, Christine
Sent: Wednesday, March 23, 2011 8:23 AM
To: Adams, Steven; Gianoli, Angela
Cc: Deckman, Emily; Jensen, Jackie
Subject: RE: Contested Findings Hearing--Arturo Ramirez Soto 09-8-03807-6 SEA

Please remove me and let me know what date works for all.

Thanks

Christine Robinson
Bailiff to Judge Kimberley Prochnau
King County Courthouse
516 Third Avenue, W719
Seattle, WA 98104
Phone: 206-296-9260 / Fax: 206-296-9371
christine.robinson@kingcounty.gov

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****IMPORTANT: In order to avoid inappropriate ex-parte contact, you are hereby directed to forward this communication to all other counsel not already copied on this e-mail.**

From: Adams, Steven
Sent: Tuesday, March 22, 2011 1:52 PM

To: Robinson, Christine; Gianoli, Angela
Cc: Deckman, Emily; Jensen, Jackie
Subject: RE: Contested Findings Hearing--Arturo Ramirez Soto 09-8-03807-6 SEA

The 8th at 10 a.m. works with Defense. The 1st does not work.

Thanks,
Steve

From: Robinson, Christine [mailto:Christine.Robinson@kingcounty.gov]
Sent: Tuesday, March 22, 2011 1:26 PM
To: Gianoli, Angela
Cc: Adams, Steven; Deckman, Emily; Jensen, Jackie
Subject: RE: Contested Findings Hearing--Arturo Ramirez Soto 09-8-03807-6 SEA

I had previously requested that the date be coordinated between parties and then one date given to me.

If 4/1 ok for everyone?

Thanks

Christine Robinson
Bailiff to Judge Kimberley Prochnau
King County Courthouse
516 Third Avenue, W719
Seattle, WA 98104

Phone: 206-296-9260 / Fax: 206-296-9371

christine.robinson@kingcounty.gov

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*****IMPORTANT: In order to avoid inappropriate ex-parte contact, you are hereby directed to forward this communication to all other counsel not already copied on this e-mail.***

From: Gianoli, Angela
Sent: Tuesday, March 22, 2011 1:11 PM
To: Robinson, Christine
Cc: Adams, Steven; Deckman, Emily; Jensen, Jackie
Subject: RE: Contested Findings Hearing--Arturo Ramirez Soto 09-8-03807-6 SEA

4/1 works best for my schedule.

Thank you.

Angela Gianoli

Deputy Prosecuting Attorney
King County Prosecutor's Office--DV Unit
Email: angela.gianoli@kingcounty.gov
Phone: (206) 205-7422
Fax: (206) 205-7450

From: Robinson, Christine
Sent: Tuesday, March 22, 2011 11:31 AM
To: Gianoli, Angela
Cc: Adams, Steven; Deckman, Emily; Jensen, Jackie
Subject: RE: Contested Findings Hearing--Arturo Ramirez Soto 09-8-03807-6 SEA

4/1 @ 1:30
4/8 @ 10
4/22 @ 9

Please coordinate and respond with one date.
Keep in mind we are Seattle (my address is listed below for working copies).
Friendly reminder to comply with the applicable deadlines for submitting the proposed findings and any objections prior to the hearing.

Thank you,

Christine Robinson
Bailiff to Judge Kimberley Prochnau
King County Courthouse
516 Third Avenue, W719
Seattle, WA 98104
Phone: 206-296-9260 / Fax: 206-296-9371
christine.robinson@kingcounty.gov

Please review Judge Prochnau's webpage at:
<http://www.kingcounty.gov/courts/SuperiorCourt/judges/prochnau.aspx>

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It is the responsibility of the parties to make sure that the court receives working copies, prior to a hearing, in accordance with the rules.

****IMPORTANT: In order to avoid inappropriate ex-parte contact, you are hereby directed to forward this communication to all other counsel not already copied on this e-mail.**

From: Gianoli, Angela
Sent: Monday, March 21, 2011 11:12 AM
To: Robinson, Christine
Cc: Adams, Steven; Deckman, Emily; Jensen, Jackie
Subject: Contested Findings Hearing--Arturo Ramirez Soto 09-8-03807-6 SEA

Greetings.

As you may remember Judge Prochnau presided over Arturo Ramirez Soto's juvenile trial this past summer. Well, this case is still kicking around a bit and the parties would like to set a contested hearing to address Findings of Fact and Conclusions of Law. Would you mind setting a hearing to address this issue as soon as Judge Prochnau has time and availability? Please let me know if there's any other information you need from me.

Thanks so much.

Angela Gianoli

Deputy Prosecuting Attorney
King County Prosecutor's Office--DV Unit
Email: angela.gianoli@kingcounty.gov
Phone: (206) 205-7422
Fax: (206) 205-7450

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