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FILED
6-15-16



Court of Appeals
Division I
State of Washington

No. 73994-8-I

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION ONE

In re the Personal Restraint of:

MARTIN PANG,

Petitioner.

SUPPLEMENTAL BRIEF OF PETITIONER

LILA J. SILVERSTEIN
Attorney for Petitioner

WASHINGTON APPELLATE PROJECT
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A. ISSUES PRESENTED

1. Whether the judgment is invalid on its face and therefore exempt from the time bar under RCW 10.73.090(1) because it contains only a boilerplate finding of ability to pay?

2. Whether, in the alternative, Mr. Pang's PRP falls within an exception to the time bar under RCW 10.73.100(6) because *State v. Blazina*, 182 Wn.2d 827, 344 P.3d 680 (2015) constitutes a significant change in the law?

3. Whether, in the alternative, Mr. Pang's motion should be construed as a motion to remit legal financial obligations ("LFOs") pursuant to RCW 10.01.160(4) and remanded for a hearing on manifest hardship?

B. STATEMENT OF THE CASE

Martin Pang pleaded guilty to four counts of manslaughter in 1998. The Statement of Defendant on Plea of Guilty contained no waiver of an inquiry into ability to pay legal financial obligations. Appendix A. The sentencing court ordered Mr. Pang to pay a total of \$956,020.51 in restitution, \$28,192.91 in extradition costs, \$257.10 in court costs, and a \$100 victim assessment. Appendix B at 2; Appendix C at 3.

Mr. Pang began making LFO payments from prison, but has only been able to pay about \$3,660 to date. Appendix D. Because interest has accrued in the intervening years, he now owes over \$2,897,535.34. *Id.*

In August of 2015, Mr. Pang filed a Motion for Individualized Inquiry Into Defendant's Current and Future Ability to Pay LFO's. He averred that the sentencing court never inquired into his ability to pay before imposing LFO's, and requested such a hearing pursuant to *Blazina*. Motion at 2-5.

The State moved to transfer the motion to this Court as a personal restraint petition ("PRP"). The State did not dispute the factual allegation that no inquiry had been made regarding Mr. Pang's ability to pay LFOs. Instead, the State argued only that the motion should be transferred because it was untimely. Motion to Transfer at 2-3.

The motion was transferred as a PRP and this Court asked the State to respond. In its response in this Court, the State again did not deny that no inquiry had been made in the sentencing court. It argued only that the petition should be dismissed as untimely under Division Three's opinion in *In re the Personal Restraint of Flippo*, 191 Wn. App. 405, 362 P.3d 1011 (2015). Response to PRP at 4-6.

This Court appointed the Washington Appellate Project to file a supplemental brief on Mr. Pang's behalf.

C. ARGUMENT

This Court should remand for a hearing on ability to pay for three independent reasons. First, the PRP is not subject to the one-year time bar under RCW 10.73.090 because the judgment – which contains only a boilerplate finding of ability to pay – is invalid on its face. Second, even if the judgment is valid, the PRP falls within an exception to the time bar under RCW 10.73.100(6) because *Blazina* – which requires a detailed inquiry into ability to pay – constitutes a significant change in the law. Third, even if the PRP is untimely, this court should construe Mr. Pang’s original motion as a motion to remit costs under RCW 10.01.160(4), and should remand for a hearing on that motion.

1. The PRP is not subject to the one-year time bar because the judgment is invalid on its face.

RCW 10.73.090(1) provides, “No petition or motion for collateral attack on a judgment and sentence in a criminal case may be filed more than one year after the judgment becomes final if the judgment and sentence is valid on its face and was rendered by a court of competent jurisdiction.” A judgment is invalid on its face for purposes of this provision if the trial court exceeded its statutory authority in entering the judgment or sentence. *In re the Personal Restraint of Wheeler*, 188 Wn. App. 613, 617, 354 P.3d 950 (2015); *see also In re the Personal Restraint*

of Goodwin, 146 Wn.2d 861, 866-67, 50 P.3d 618 (2002) (PRP not time-barred because judgment showed defendant's offender score was miscalculated for purposes of sentencing).

Mr. Pang's judgment is invalid on its face because it contains only a boilerplate, preprinted section stating: "Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed." App. B at 2. This renders the judgment invalid because "the court must do more than sign a judgment and sentence with boilerplate language stating that it engaged in the required inquiry." *Blazina*, 182 Wn.2d at 838; *see also Fuller v. Oregon*, 417 U.S. 40, 45, 40 L.Ed.2d 642, 94 S.Ct. 2116 (1974) (indicating that a statute mandating consideration of ability to pay before assessing costs passed constitutional muster). Although the Court in *Curry* held that formal written findings are not required, *Blazina* supersedes *Curry* to the extent they are inconsistent. *Compare Blazina*, 182 Wn.2d at 838 *with State v. Curry*, 118 Wn.2d 911, 916, 829 P.2d 166 (1992). Accordingly, this Court should part company with Division Three and should hold that a judgment containing only such boilerplate language is invalid on its face.

2. The PRP falls within an exception to the time bar because *Blazina* constituted a significant change in the law.

Even if this Court holds the judgment is valid on its face, it should nevertheless rule that the PRP is timely under RCW 10.73.100(6). That statute provides that the one-year time limit does not apply if:

There has been a significant change in the law, whether substantive or procedural, which is material to the conviction, sentence, or other order entered in a criminal or civil proceeding instituted by the state or local government, and either the legislature has expressly provided that the change in the law is to be applied retroactively, or a court, in interpreting a change in the law that lacks express legislative intent regarding retroactive application, determines that sufficient reasons exist to require retroactive application of the changed legal standard.

RCW 10.73.100(6).

Division Three ruled that *Blazina* did not constitute a significant change in the law because it merely interpreted a statute that had existed for decades. *Flippo*, 191 Wn. App. at 410-11. This is incorrect. *Blazina* is significant because it interprets the statute to require a much more thorough, detailed inquiry than prior cases had mandated. For example, *State v. Baldwin*, on which Division Three relied, upheld the imposition of discretionary LFOs based on a single sentence in the presentence report stating that “Mr. Baldwin describes himself as employable, and should be held accountable for legal financial obligations normally associated with

this offense.” *State v. Baldwin*, 63 Wn. App. 303, 311, 818 P.2d 1116 (1991); *see Flippo*, 191 Wn. App. at 411. Such an inquiry is deficient after *Blazina*.

Blazina was a watershed opinion recognizing the pervasive problem of “broken LFO systems” resulting in crushing burdens on indigent defendants. *Blazina*, 182 Wn.2d at 835. Imposing LFOs on defendants who cannot pay creates problems including “increased difficulty in reentering society, the doubtful recoupment of money by the government, and inequity in administration.” *Id.* Because of exorbitant interest rates, “on average, a person who pays \$25 per month toward their LFOs will owe the state more 10 years after conviction than they did when the LFOs were initially assessed.” *Id.* at 836.

In light of the above concerns and others, the Court emphasized that a sentencing court must engage in a detailed inquiry regarding a defendant’s financial condition before imposing LFOs. *Blazina*, 182 Wn.2d at 838. The Court added, “the [sentencing] court must also consider important factors, as amici suggest, such as incarceration and a defendant’s other debts, including restitution, when determining a defendant’s ability to pay.” *Id.* Furthermore:

Courts should also look to the comment in court rule GR 34 for guidance. This rule allows a person to obtain a waiver of filing fees and surcharges on the basis of indigent status,

and the comment to the rule lists ways that a person may prove indigent status. GR 34. For example, under the rule, courts must find a person indigent if the person establishes that he or she receives assistance from a needs-based, means-tested assistance program, such as Social Security or food stamps. *Id.* (comment listing facts that prove indigent status). In addition, courts must find a person indigent if his or her household income falls below 125 percent of the federal poverty guideline. *Id.* Although the ways to establish indigent status remain nonexhaustive, *see id.*, if someone does meet the GR 34 standard for indigency, courts should seriously question that person's ability to pay LFOs.

Blazina, 182 Wn.2d at 838-39. Thus, it is apparent that *Blazina* constitutes a significant change in the law relative to *Baldwin*, and this Court should reject Division Three's contrary conclusion.

3. In the alternative, this Court should construe Mr. Pang's motion as a motion to remit costs, and should remand for a hearing on the motion.

If this Court holds the PRP is not timely it should nevertheless remand for an evidentiary hearing. Although Mr. Pang's motion was construed as a CrR 7.8 attack on the original judgment, it may also reasonably be construed as a motion to remit LFOs pursuant to RCW 10.01.160(4). That subsection provides:

A defendant who has been ordered to pay costs and who is not in contumacious default in the payment thereof may at any time petition the sentencing court for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit

all or part of the amount due in costs, or modify the method of payment under RCW 10.01.170.

RCW 10.01.160(4). Mr. Pang has alleged that he lacks the ability to pay discretionary LFOs. His case should be remanded for a hearing at which the court may determine whether payment of the amount due would impose a manifest hardship such that it would be appropriate to remit costs. *See id.*¹

D. CONCLUSION

For the reasons set forth above Mr. Pang asks this Court to remand for a hearing on his ability to pay legal financial obligations..

DATED this 15th day of June, 2016.

Respectfully submitted,

/s Lila J. Silverstein
Lila J. Silverstein – WSBA 38394
Washington Appellate Project
Attorney for Petitioner

¹ Whether the case is remanded for a “*Blazina* hearing” or a hearing on a petition for remission pursuant to RCW 10.01.160(4), Mr. Pang understands that the focus of the hearing will be extradition costs and other costs that fall within RCW 10.01.160. Restitution and the victim assessment are subject to different rules. *See* RCW 9.94A.753 (restitution may be waived if “extraordinary circumstances exist,” but “the court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount.”); *Curry*, 118 Wn.2d at 917 (victim penalty assessment is mandatory). The fact that Mr. Pang owes significant restitution is a strong indicator that all other costs should be waived. *See Blazina*, 182 Wn.2d at 838.

APPENDIX A

ORIGINAL

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KING COUNTY WASHINGTON

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SUPERIOR COURT CLERK
BY GARY POVICK
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

STATE OF WASHINGTON;

Plaintiff,

vs.

MARTIN SHAW PANG,

Defendant.

NO. 95-1-00473-0 SEA

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY
(Felony)

1. My true name is Martin Shaw Pang.

2. My age is 42. My date of birth is November 12, 1955.

3. I completed high school and some college.

4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyers' names are John Henry Browne and Timothy Dole.

(b) I am charged with four counts of Manslaughter in the First Degree. The elements of this crime are identified in the Third Amended Information, attached.

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY – Page 1 of 7

LAW OFFICES OF
BROWNE & RESSLER
EXCHANGE BUILDING
PENTHOUSE SUITE
821 SECOND AVENUE
SEATTLE, WASH. 98104

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5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

(a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

(c) The right at trial to hear and question the witnesses who testify against me;

(d) The right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me;

(e) The right to be presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty;

(f) The right to appeal a determination of guilt after a trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEAS, I UNDERSTAND THAT:

(a) Each of the crimes with which I am charged carries a maximum sentence of 10 years imprisonment and a \$20,000 fine.

RCW 9.94A.030(23),(27), provides that for a third conviction for a "most serious offense" as defined in that statute or for a second conviction for a "most serious offense" which is also a "sex offense" as defined in that statute, I may be found to be a Persistent Offender. If I am found to be a Persistent Offender, the Court must impose a mandatory sentence of life imprisonment without the possibility of early release of any kind, such as parole or community custody. RCW 9.94A.120(4). The law does not allow any reduction of this sentence.

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY – Page 2 of 7

1 (b) The standard sentence range is from 77 months to 102 months confinement,
2 based on the prosecuting attorney's understanding of my criminal history. The
3 standard sentence range is based on the crime charged and my criminal history.
4 Criminal history includes prior convictions, whether in this state, in federal court, or
5 elsewhere. If my current offense was prior to 7/1/97: criminal history always includes
6 juvenile conviction for sex offenses and also for Class A felonies that were committed
7 when I was 15 years of age or older; may include convictions in Juvenile Court for
8 felonies or serious traffic offenses that were committed when I was 15 years of age or
9 older; and juvenile convictions, except those for sex offenses and Class A felonies,
10 count only if I was less than 23 years old when I committed the crime to which I am now
11 pleading guilty. If my current offense was after 6/30/97: criminal history includes all
12 prior adult and juvenile convictions or adjudications.
13

14 (c) The prosecuting attorney's statement of my criminal history is attached to this
15 agreement. Unless I have attached a different statement, I agree that the prosecuting
16 attorney's statement is correct and complete. If I am convicted of any additional crimes
17 between now and the time I am sentenced, I am obligated to tell the sentencing judge
18 about those convictions.
19

20 (d) If I am convicted of any new crimes before sentencing, or if I was on
21 community placement at the time of the offense to which I am now pleading guilty, or if
22 any additional criminal history is discovered, both the standard sentence range and the
23 prosecuting attorney's recommendation may increase. Even so, my plea of guilty to
24 this charge is binding on me. I cannot change my mind if additional criminal history is
25

26 STATEMENT OF DEFENDANT
27 ON PLEA OF GUILTY – Page 3 of 7

1 discovered even though the standard sentencing range and the prosecuting attorney's
2 recommendation increase.

3 If the current offense to which I am pleading guilty is a most serious offense as
4 defined by RCW 9.94A.030, (23), (27), and additional criminal history is discovered, not
5 only do the conditions of the prior paragraph apply, but also if my discovered criminal
6 history contains additional prior convictions, whether in this state, in federal court, or
7 elsewhere, of most serious offense crimes, I may be found to be a Persistent Offender.
8 If I am found to be a Persistent Offender, the Court must impose the mandatory
9 sentence of life imprisonment without the possibility of early release of any kind, such
10 as parole or community custody. RCW 9.94A.120(4).

11 Even so, my plea of guilty to this charge is binding on me. I cannot change my
12 plea if additional criminal history is discovered, even though it will result in the
13 mandatory sentence that the law does not allow to be reduced.
14

15 (e) In addition to sentencing me to confinement, the judge will order me to pay
16 \$100, since my crime date is prior to 6/7/96, as a victim's compensation fund
17 assessment. If this crime resulted in injury to any person or damages to or loss of
18 property, the judge will order me to make restitution, unless extraordinary
19 circumstances exist which make restitution inappropriate. The judge may also order
20 that I pay a fine, court costs, incarceration, lab, extradition and attorney fees.
21 Furthermore, the judge may place me on community supervision, impose restrictions on
22 my activities, and order me to perform community service.
23

24 (f) The parties in this case will make recommendations to the judge as specified
25

26 STATEMENT OF DEFENDANT
27 ON PLEA OF GUILTY – Page 4 of 7

in the attached letter dated February 17, 1998, signed by all parties.

1
2 (g) The judge does not have to follow anyone's recommendation as to sentence.
3 The judge must impose a sentence within the standard range unless the judge finds
4 substantial and compelling reasons not to do so. If the judge goes outside the standard
5 range, the law allows either I or the State to appeal that sentence, but pursuant to the
6 plea agreement, I am waiving my right to appeal any sentence imposed of 35 years or
7 less. If the sentence is within the standard range, no one can appeal the sentence.

8
9 (h) If I am not a citizen of the United States, a plea of guilty to an offense
10 punishable as a crime under state law is grounds for deportation, exclusion from
11 admission to the United States, or denial of naturalization pursuant to the laws of the
12 United States.

13 (i) Since this crime involves a violent offense, I will be required to provide a
14 sample of my blood for purposes of DNA identification analysis.

15 (j) This plea of guilty will result in the revocation of my right to possess any
16 firearm. Possession of any firearm after this plea is prohibited by law until my right to
17 possess a firearm is restored by a court of record.

18
19 7. I plead guilty to the crimes of four counts of Manslaughter in the First Degree, as
20 charged in the Third Amended Information. I have received a copy of that Information.

21 8. I make this plea freely and voluntarily.

22 9. No one has threatened harm of any kind to me or to any other person to cause
23 me to make this plea.

24
25 10. No person has made promises of any kind to cause me to enter this plea except

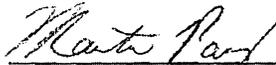
26 STATEMENT OF DEFENDANT
27 ON PLEA OF GUILTY – Page 5 of 7

as set forth in this statement.

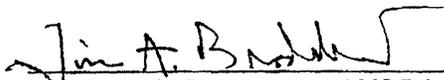
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11. The judge has asked me to state briefly in my own words what I did that makes me guilty of these crimes. My statement given to FBI agents Gary D. Schoenlein and David A. Burroughs on March 16, 1995, is true and accurate and attached hereto. In addition, I hereby acknowledge that my behavior in King County on January 5, 1995, was reckless, unlawful, and a proximate cause of the tragic deaths of Lt. Greg Shoemaker, Lt. Walter Kilgore, Randy Terlicker and James Brown.

12. My lawyers have explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.


MARTIN SHAW PANG, Defendant

KING COUNTY PROSECUTING ATTORNEY

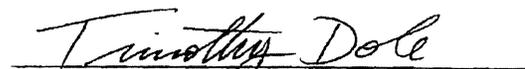

TIMOTHY A. BRADSHAW, WSBA # 17983
Senior Deputy Prosecuting Attorney


MARILYN B. BRENNEMAN, WSBA # 10700
Senior Deputy Prosecuting Attorney

We have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

BROWNE & RESSLER


JOHN HENRY BROWNE, WSBA # 4677
Attorney for Martin Pang

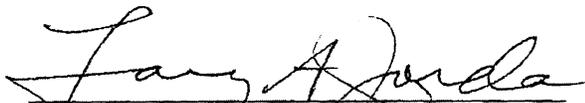

TIMOTHY DOLE, WSBA # 25372
Attorney for Martin Pang

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY – Page 6 of 7

1 The foregoing statement was signed by the defendant in open court in the presence of
2 his attorneys and the undersigned judge. The defendant asserted that he had
previously read the entire statement above and understood it in full.

3 I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made.
4 Defendant understands the charges and the consequences of the plea. There is a
factual basis for the plea. The defendant is guilty as charged.

5 DONE IN OPEN COURT this 19 day of February, 1998.

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9 THE HONORABLE LARRY JORDAN
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26 STATEMENT OF DEFENDANT
27 ON PLEA OF GUILTY – Page 7 of 7

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A four-page, handwritten statement was prepared by SA SCHOENLEIN. As it was written, PANG read each page and confirmed the accuracy of each page with SA BURROUGHS. The following is that statement which was signed by PANG:

"Rio DeJaneiro, Brazil
"3/16/95

"I Martin Shaw Pang, freely and voluntarily furnish the following signed statement to Special Agents Gary D. Schoenlein and David A. Burroughs, who have identified themselves to me as Special Agents of the Federal Bureau of Investigation. Special Agent Schoenlein explained to me that they wanted to interview me about the January 5, 1995 fire at the Mary Pang Warehouse in Seattle, Wa., and the purpose of my travel to Brazil. I have been given a form entitled, 'Interrogation; Advise of Rights,' by Special Agent Schoenlein which I have read and understood and signed. No threats or promises have been made to induce me to give this statement.

"I was born on November 12, 1955 in Hong Kong. I completed the twelfth grade and can read and write.

"On January 5, 1995, I flew from Burbank, CA to Seattle, Wa on Southwest Airlines. I paid for the ticket with cash and flew under an alias which I do not recall. I arrived in Seattle after noon and took a taxi cab to the International

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District of Seattle. The purpose of this trip was to start a fire at the Mary Pang Warehouse which is a business owned and operated by my parents, Harry and Mary Pang. I wanted to destroy the business to relieve my parents of the burden of running it. My mother worked at that business every day since it started in 1955. She has been in failing health and refused to stop working.

"The afternoon of January 5, 1995, I watched the warehouse from across the street. I wanted to be sure that nobody was in the building when I was to start the fire. At approximately 6:30 p.m., I observed that all the lights were off in the building. Therefore I knew that no one was still inside.

"I then entered the warehouse through an unsecured piece of sheetmetal siding near the loading dock. I knew that transients had previously entered the warehouse through that piece of unsecured sheetmetal siding. I went through a sliding door to a portion of the warehouse which is on a lower level than the loading dock. Directly above this particular portion of the warehouse is the upstairs portion of the warehouse. I have provided Special Agent Schoenlein with a sketch of the warehouse which graphically depicts where the fire started.

"There are walls in the warehouse which are constructed of old, dry plywood. I struck a match and set it to a bottom corner of a plywood wall. I observed the wall burn until the flames burned up the wall approximately two feet in height. I then exited the building through the same unsecured piece of siding through which I entered the building. The portion of the building where I started the fire was not alarmed.

"I did not watch the warehouse burn. I ran to the International District where I caught a taxi cab to the Seatac airport. From there I flew back to Burbank on an Alaska flight. I purchased the airline ticket with cash, and flew under an alias which I do not recall.

"Subsequent to the fire, I knew, through conversation with my lawyer, that I had been charged with Unlawful Flight to Avoid Prosecution in connection with the investigation of the fire. Because I was afraid of possible consequences of being arrested and prosecuted for crimes related to the fire, I left

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Continuation of FD-302 of MARTIN SHAW PANG, On 3/16/95, Page 7

California and entered Mexico. From Mexico, I flew to Rio DeJaneiro, Brazil.

"I have read this statement consisting of four pages, initialed each page and all corrections. I now sign it because it is true and correct.

"Martin Shaw Pang
"3/16/95

"Witnesses:

"Gary D. Schoenlein, SA, FBI, Seattle 3/16/95
"David A. Burroughs, SA FBI, Seattle 3/16/95"

After signing the statement, PANG expressed gratitude to SAs SCHOENLEIN and BURROUGHS and shook their hands. PANG

OFFICE OF THE PROSECUTING ATTORNEY
KING COUNTY, WASHINGTON
FRAUD DIVISION

Norm Maleng
Prosecuting Attorney

1002 Bank of California Building
900 Fourth Avenue
Seattle, Washington 98164
(206) 296-9010

ORIGINAL

February 17, 1998

John Henry Browne
M. Timothy Dole
Attorneys At Law
Exchange Building
Penthouse Suite
821 Second Avenue
Seattle, WA 98104-1540
FAX (206) 624-8226

Re: State v. Martin S. Pang, K.C. #95-1-00473-0

Dear Mr. Browne and Mr. Dole:

This letter formally memorializes the agreement reached between this office and your client, Martin Shaw Pang.

You have indicated that Mr. Pang has agreed: to plead guilty to four counts of Manslaughter in the First Degree, for the deaths of Greg Shoemaker, Walter Kilgore, James Brown and Randy Terlicker; to waive any extradition-based legal objections to Washington courts exercising personal jurisdiction over him on those four manslaughter counts; to pay what the court determines is appropriate restitution for the deaths, damages and injuries caused by the arson fire set by Mr. Pang at the Mary Pang Frozen Foods warehouse on January 5, 1996; to the existence of aggravating factors sufficient to justify a 35 year sentence, from which he will not appeal if such sentence is imposed, and to jointly recommend consecutive exceptional sentences totaling 35 years (420 months) incarceration. Mr. Pang also agrees to the court's consideration of the real facts contained in Appendix C attached hereto and that sentences imposed on the four manslaughter counts will, by agreement, run consecutive.

In exchange the State agrees: to dismiss with prejudice the charges in Counts 1-5 of the Second Amended Information; not to ask for no contact orders for any witness who does not object to having contact with Mr. Pang and that Mr. Pang should receive credit

Prosecuting Attorney
King County

John Henry Browne
M. Timothy Dole
February 17, 1998
Page 2

for time served in the King County Jail. The State does not agree that Mr. Pang should get credit for the time during which he was held in custody pending extradition from Brazil. The State will request the court to enter an order consistent with RCW 7.68.300 - .340 prohibiting Mr. Pang from monetarily profiting from his crimes by receiving monies or other compensation for movies, interviews, books, etc. concerning those crimes. Finally, the State will request the traditional imposition of court costs, victim penalty assessment fees and extradition costs in addition to restitution to all victims in an amount to be determined.

The parties' signatures below signifies their acceptance of this agreement.

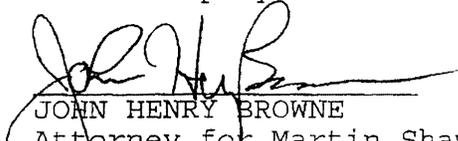
FOR NORM MALENG, King County Prosecuting Attorney,


MARILYN B. BRENNEMAN
Senior Deputy Prosecuting Attorney

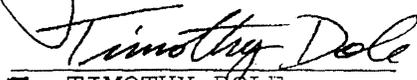
2/18/98
Date


TIMOTHY A. BRADSHAW
Senior Deputy Prosecuting Attorney

2/18/98
Date


JOHN HENRY BROWNE
Attorney for Martin Shaw Pang

2/18/98
Date


TIMOTHY DOLE
Attorney for Martin Shaw Pang

2/18/98
Date


MARTIN SHAW PANG
Defendant

2/18/98
Date

APPENDIX B

3
Dux
SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff,

v.

MARTIN SHAW PANG,

Defendant.

No. 95-1-00473-0 SEA

JUDGMENT AND SENTENCE

FILED
90 MAR 24 AM 9:37
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

COMMITMENT ISSUED MAR 24 1998

WAFY TO SENTENCING GUIDELINES COMMISSION MAR 24 1998
PRESENTING STATEMENT & INFORMATION ATTACHED

I. HEARING

1.1 The defendant, the defendant's lawyers, John Henry Browne and M. Tim Dole, and Senior Deputy Prosecuting Attorneys TIMOTHY BRADSHAW and MARILYN BRENNEMAN, were present at the sentencing hearing conducted today, March 23, 1998.

1.2 The state has moved for dismissal of count(s) V-IX

II. FINDINGS

Based on the testimony heard, statements by defendant and victims families and colleagues, argument of counsel, the pleas agreement, and case record to date, and there being no reason why judgment should not be pronounced, the court finds:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on February 19, 1998 by plea of guilty to:

Count No.: I Crime: MANSLAUGHTER IN THE FIRST DEGREE
RCW 9A.32.060 1 (A) Crime Code 00164
Date of Crime JAN. 05, 1995 Incident No.

Count No.: II Crime: MANSLAUGHTER IN THE FIRST DEGREE
RCW 9A.32.060 1 (A) Crime Code 00164
Date of Crime JAN. 05, 1995 Incident No.

Count No.: III Crime: MANSLAUGHTER IN THE FIRST DEGREE
RCW 9A.32.060 1 (A) Crime Code 00164
Date of Crime JAN. 05, 1995 Incident No.

Additional current offenses are attached in Appendix A.

SPECIAL VERDICT/FINDING(S):

- (a) A special verdict/finding for being armed with a Firearm was rendered on Count(s):
- (b) A special verdict/finding for being armed with a Deadly Weapon other than a Firearm was rendered on Count(s):

C/PROC
CUST
CASH
JUDG
DISB
CRIM
ACCTS
EXH

(c) A special verdict/finding was rendered that the defendant committed the crimes(s) with a sexual motivation in Count(s):

(d) A special verdict/finding was rendered for Violation of the Uniform Controlled Substances Act offense taking place in a school zone in a school on a school bus in a school bus route stop zone in a public park in public transit vehicle in a public transit stop shelter in Count(s):

(e) Vehicular Homicide Violent Offense (D.W.I. and/or reckless) or Nonviolent (disregard safety of others)

(f) Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score (RCW 9.94A.400(1)(a)) are:

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

201
201

2.3 CRIMINAL HISTORY: Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.360):

Crime	Sentencing Date	Adult or Juv. Crime	Cause Number	Location
(a)				
(b)				
(c)				
(d)				

- Additional criminal history is attached in Appendix B.
- Prior convictions (offenses committed before July 1, 1986) served concurrently and counted as one offense in determining the offender score are (RCW 9.94A.360(6)(c)):
- One point added for offense(s) committed while under community placement for count(s)

2.4 SENTENCING DATA:

SENTENCING DATA	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE	ENHANCEMENT	TOTAL STANDARD RANGE	MAXIMUM TERM
Count I	6	IX			77 TO 102 MONTHS	10 YRS AND/OR 20,000
Count II	6	IX			77 TO 102 MONTHS	10 YRS AND/OR 20,000
Count III	6	IX			77 TO 102 MONTHS	10 YRS AND/OR 20,000

Additional current offense sentencing data is attached in Appendix C.

2.5 EXCEPTIONAL SENTENCE:

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

To be submitted post-sentencing. DEFENDANT WAIVES PRESENCE.

III. JUDGMENT

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

The Court DISMISSES Count(s) V-IX

IV. ORDER

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

4.1 RESTITUTION AND VICTIM ASSESSMENT:

Defendant shall pay restitution to the Clerk of this Court as set forth *by subsequent order.* Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.142(2), sets forth those circumstances in attached Appendix E.

Restitution to be determined at future hearing on (Date) 7/27/97 at 9:00 am Date to be set. Defendant waives presence at future restitution hearing(s).

Defendant shall pay Victim Penalty Assessments pursuant to RCW 7.68.035 in the amount of \$100 if all crime(s) date prior to 6-6-96 and \$500 if any crime date in the Judgment is after 6-5-96.

Restitution is not ordered.

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

- (a) \$ 257.10 Court costs; Court costs are waived;
- (b) \$ N/A Recoupment for attorney's fees to King County Public Defense Programs, 2015 Smith Tower, Seattle, WA 98104; Recoupment is waived (RCW 10.01.160);
- (c) \$ N/A Fine; \$1,000, Fine for VUCSA; \$2,000, Fine for subsequent VUCSA; VUCSA fine waived (RCW 69.50.430);
- (d) \$ N/A King County Interlocal Drug Fund; Drug Fund payment is waived;
- (e) \$ N/A State Crime Laboratory Fee; Laboratory fee waived (RCW 9A.43.690);
- (f) \$ _____ Incarceration costs; Incarceration costs waived (9.94A.145(2));
- (g) \$ 750 Other cost for: EXAMINATION

4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ _____. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms:

Not less than \$ _____ per month; On a schedule established by the defendant's Community Corrections Officer. _____

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

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

105 months on Count I 105 months on Count III _____ months on Count _____
105 months on Count II 105 months on Count IV _____ months on Count _____

ENHANCEMENT time due to special deadly weapon/firearm finding of _____ months is included for Counts _____

The terms in Count(s) I-IV are concurrent consecutive
The sentence herein shall run concurrently/consecutively with the sentence in cause number(s) _____
but consecutive to any other cause not referred to in this Judgment.

Credit is given for ~~854~~ 854 days served days as determined by the ^{COURT} King County Jail solely for conviction under this cause number pursuant to RCW 9.94A.120(15). B

4.5 NO CONTACT: For the maximum term of 40 years, defendant shall have no contact with ALL VICTIMS' FAMILY MEMBERS, STATES WITNESSES IN POLICE REPORTS/STATEMENTS.

Violation of this no contact order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest; any assault or reckless endangerment that is a violation of this order is a felony. Exceptions to this prohibition are listed in App. H, TO BE FILED SEPARATELY

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

4.7 COMMUNITY PLACEMENT, RCW 9.94A.120(9): Community Placement is ordered for any of the following eligible offenses: any "sex offense", any "serious violent offense", second degree assault, any offense with a deadly weapon finding, any CH, 69.50 or 69.52 RCW offense, for the maximum period of time authorized by law. All standard and mandatory statutory conditions of community placement are ordered. 23

Appendix H (for additional nonmandatory conditions) is attached and incorporated herein.

4.8 WORK ETHIC CAMP: The court finds that the defendant is eligible for work ethic camp and is likely to qualify under RCW 9.94A.137 and recommends that the defendant serve the sentence at a work ethic camp. Upon successful completion of this program, the Department shall convert the period of work ethic camp confinement at a rate of one day of work ethic camp to three days of total standard confinement and the defendant shall be released to community custody for any remaining time of total confinement. The defendant shall comply with all mandatory statutory requirements of community custody set forth in RCW 9.94A.120(9)(b).

Appendix K for additional special conditions, RCW 9.94A.120(9)(c), is attached and incorporated herein.

4.9 SEX OFFENDER REGISTRATION (sex offender crime conviction): Appendix _____ attached and incorporated by reference into this Judgment and Sentence.

4.10 ARMED CRIME COMPLIANCE, RCW 9.94A.103,105. The state's plea/sentence agreement is attached as follows:

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

Date: 3/23/98

Judge: [Signature]
Print Name: A. Jorde

Presented by: [Signature]
Deputy Prosecuting Attorney, Office WSBA ID #91002
Print Name: Jim A. Bradshaw

Approved as to form: [Signature] 4677
Attorney for Defendant: [Signature] 25372
Print Name: [Signature]
SBA # _____
Print Name: [Signature]
Dole

FINGERPRINTS



RIGHT HAND
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE: M. Shaw Pang
DEFENDANT'S ADDRESS: District

MARTIN SHAW PANG

DATED: MAR 23 1998
Martin Shaw Pang
JUDGE, KING COUNTY SUPERIOR COURT

ATTESTED BY:
M. JANICE MICHELS, SUPERIOR COURT CLERK
BY: Janice Michels
DEPUTY CLERK

CERTIFICATE

OFFENDER IDENTIFICATION

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

S.I.D. NO. WA10989525
DATE OF BIRTH: NOVEMBER 1955
SEX: M
RACE: ASIAN

CLERK

BY: _____
DEPUTY CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff,

v.

MARTIN SHAW PANG

Defendant.

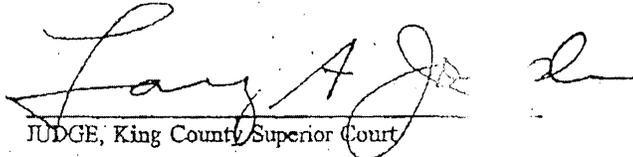
No. 95-1-00473-0 SEA

(FELONY) - APPENDIX
ADDITIONAL CURRENT OFFENSES

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

Count No.: IV Crime: MANSLAUGHTER IN THE FIRST DEGREE
RCW 9A.32.060 I A Crime Code 00164
Date of Crime 01/05/95 Incident No. _____

Date: MARCH 23, 1999


JUDGE, King County Superior Court

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)

Plaintiff,)

v.)

MARTIN SHAW PANG)

Defendant.)

No: 95-1-00473-0 SEA

(FELONY) - APPENDIX C
ADDITIONAL CURRENT
SENTENCING DATA

2.4 SENTENCING DATA: Additional current offense(s) sentencing information is as follows:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	Plus Enhancement for Felony (P), or other deadly weapon finding (D) or VUCSA (V) to a term	STANDARD RANGE (including enhancements)	MAXIMUM TERM
IV	6	IX			TO 102 MONTHS	10 YRS AND/OR 20,000

Date: ~~MARCH 23, 1978~~

Larry A. Jones

JUDGE, King County Superior Court

DA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff,

v.

MARTIN SHAW PANG

Defendant.

No. 95-1-00473-0 SEA

APPENDIX G
ORDER FOR BLOOD TESTING
AND COUNSELING

(1) HIV TESTING AND COUNSELING:

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

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with RCW 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 296-4848 to make arrangements for the test to be conducted within 30 days.

(2) DNA IDENTIFICATION:

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

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

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

Date: MAR 23, 1998

Laura A. Jorde

JUDGE, King County Superior Court

APPENDIX C

IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

98 JUL 30 PM 2:30

Plaintiff, No. 95-1-173-0 SEA
SUPERIOR COURT CLERK
SEATTLE WA.

vs.

MARTIN SHAW PANG,

ORDER SETTING RESTITUTION
AND EXTENSION COSTS

Defendant,

The court ordered payment of restitution as a condition of sentencing. The Court has determined that the following persons are entitled to restitution in the following amounts;

IT IS ORDERED that defendant make payments through the registry of the clerk of the court as follows:

I. VICTIMS AND SURVIVORS

Karen Shoemaker
22506 272nd Avenue S.E.
Maple Valley, WA 98038 AMOUNT: \$3,119

Mary Anne Kilgore
6920 - 117 Drive N.E.
Kirkland, WA 98033 AMOUNT: \$3,154

Christy Brown
13604 - 68th Avenue Court E.
Puyallup, WA 98373 AMOUNT: \$3,136

Clare Striegel
964 Retsil Road S.E.
Port Orchard, WA 98366 AMOUNT: \$3,149

Raymond and Colleen Terlicker
3503 SW 107th
Seattle, WA 98146 AMOUNT: \$4,122

JUDGMENT NUMBER 78-1-0446-2J

CIPROG
CUST
CASH
JUG
DIS
ACCT

ORDER SETTING RESTITUTION - 1

N. Maleng, Prosecuting Attorney
King County Courthouse
3rd Avenue
Seattle, Washington 98104
206-465-9000
206-465-296-0955

1 La Panzanella, Inc.
Ciro and Kimberly Pasciuto
2 1314 East Union St.
Seattle, WA 98122 AMOUNT: \$71,071.90

3 Jeff Carrell
4 3535 27th Pl. W.
Seattle, WA 98199 AMOUNT: \$5,492.75

5 Matthew Fox
6 1409 NE 56th
Seattle, WA 98105 AMOUNT: \$5,121.75

7 Charles Miller
8 3801 SE 64th
Portland, OR 97206 AMOUNT: \$10,666.75

9 Ray Schwartz
10 P.O. Box 914
Eastsound, WA 98245 AMOUNT: \$23,023.75

11
12 Restitution shall be apportioned between all included in I above until paid in full.

13 II. INSURERS AND GOVERNMENT AGENCIES

14 After the individuals and entities above are paid in full restitution shall be apportioned
15 between those named below.

16 Crime Victims Compensation
Dept. of Labor and Industries
17 P.O. Box 44520
Olympia, WA 98504-4520
RE: VC74476 Randall Terlicker AMOUNT: \$1,127.00

18 City of Seattle
19 710 Third Avenue
Seattle, WA 98104
20 RE: payments for funeral services for
Seattle firefighters James T. Brown
21 and Randall Terlicker AMOUNT: \$4,000.00

22

1 Farmers Insurance Exchange
2 c/o Thomas Lether,
3 Attorney at Law
4 1001 Fourth Avenue Plaza, Suit 3810
5 Seattle, WA 98154

AMOUNT: \$772,225.87

6 Mutual of Enumclaw
7 (address v/b inserted)
8 RE: policy #PK57749
9 Date of loss: 1/05/95

AMOUNT: \$44,728.94

TOTAL RESTITUTION: \$956,020.51

10 Extradition costs were ordered by the court at the time of sentencing. Extradition costs have
11 been submitted by King County in the amount of \$13,788.12 and on behalf of the City of Seattle in
12 the amount of \$14,404.79. Costs shall be reimbursed after all obligations in I & II above are
13 fulfilled.

*If Mr. Pang has any renumeration in the future based on the facts of
this crime those monies shall be paid to the victims listed in this order.*

IT IS ORDERED that defendant make payments through the registry of the clerk of court as follows:

14 King County Sheriff's Office
15 W-116 King County Courthouse
16 516 Third Avenue
17 Seattle, WA 98104

AMOUNT: \$13,788.12

18 City of Seattle
19 Department of Finance

AMOUNT: \$14,404.79

TOTAL EXTRADITION COSTS: \$28,192.91

DONE IN OPEN COURT this 29th day of July, 1998.

Larry A. Jordan
JUDGE LARRY A. JORDAN

20 Presented by:

Marilyn Brenneman
Marilyn Brenneman #10780
Senior/Deputy Prosecuting Attorney
CCN# 446145 REJ# 95030399

Copy received; Notice
Presentation waived;

John Henry Browne
John Henry Browne 4677
Attorney for Defendant

APPENDIX D

Offender LFO History Report

LFO History Summary

DOC #: 254392 Offender Name: Pang, Martin S

Distribution Date Range: 01/01/2000 thru 03/19/2015

Total LFO Withdrawals		Total County Payments		Total Refunds	
		King County Clerk	\$3,632.13		
Total	\$3,661.73	Total	\$3,632.13	Total	\$0.00

Offender Causes

County	Cause	LFO Balance
King County Clerk	951004730	\$2,897,535.34
		<u>\$2,897,535.34</u>

Withdrawal History Detail

DOC #: 254392 Offender Name: Pang, Martin S

Distribution Date Range: 01/01/2000 thru 03/19/2015

Extract Date	Control Facility	Sub Facility	Entry Type	Item #	GL/Batch Date	Withdrawal Amt	Status
01/01/2015	AE1	E01	LFO	021923262	12/24/2014	\$50.00	Processed 01/14/2015
11/16/2014	AE1	E01	LFO	021767979	11/13/2014	\$50.00	Processed 11/20/2014
08/01/2014	AB1	B04	LFO	021360609	07/29/2014	\$50.00	Processed 08/13/2014
01/16/2014	AS1	S04	LFO	020617572	01/03/2014	\$40.00	Processed 01/23/2014
07/16/2013	AD1	D04	LFO	019999300	07/12/2013	\$40.00	Processed 08/05/2013
05/16/2013	AD1	D02	LFO	019777753	05/10/2013	\$30.00	Processed 05/22/2013
04/16/2013	AD1	D02	LFO	019643315	04/03/2013	\$20.00	Processed 04/22/2013
03/01/2013	AD1	D02	LFO	019502937	02/20/2013	\$20.00	Processed 03/15/2013
01/16/2013	AD1	D02	LFO	019352809	01/08/2013	\$40.00	Processed 01/24/2013
08/01/2012	AD1	D02	LFO	018777306	07/17/2012	\$20.00	Processed 08/10/2012
04/16/2012	AD1	D02	LFO	018449056	04/13/2012	\$22.56	Processed 05/03/2012
03/16/2012	AD1	D02	LFO	018364489	03/15/2012	\$29.33	Processed 04/16/2012
02/16/2012	AD1	D02	LFO	018261632	02/15/2012	\$28.79	Processed 03/02/2012
01/16/2012	AD1	D02	LFO	018137194	01/13/2012	\$27.29	Processed 02/03/2012
12/16/2011	AD1	D02	LFO	018052982	12/15/2011	\$28.53	Processed 12/30/2011
11/16/2011	AD1	D02	LFO	017946797	11/15/2011	\$32.61	Processed 11/30/2011
10/16/2011	AD1	D02	LFO	017832582	10/14/2011	\$26.10	Processed 10/27/2011

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

IN RE THE PERSONAL RESTRAINT PETITION OF)		
)	
MARTIN PANG,)	NO. 73994-8-I
)	
Petitioner.)	

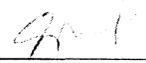
DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ARRANZA RILEY, STATE THAT ON THE 15TH DAY OF JUNE, 2016, I CAUSED THE ORIGINAL **SUPPLEMENTAL BRIEF OF PETITIONER** TO BE FILED IN THE **COURT OF APPEALS – DIVISION ONE** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

[X] JAMES WHISMAN [Jim.Whisman@kingcounty.gov] [PAOAppellateUnitMail@kingcounty.gov] KING COUNTY PROSECUTING ATTORNEY APPELLATE UNIT KING COUNTY COURTHOUSE 516 THIRD AVENUE, W-554 SEATTLE, WA 98104	() () (X)	U.S. MAIL HAND DELIVERY AGREED E-SERVICE VIA COA PORTAL
--	-------------------	--

[X] MARTIN PANG 254392 WASHINGTON STATE PENITENTIARY 1313 N 13 TH AVE WALLA WALLA, WA 99362	(X) () ()	U.S. MAIL HAND DELIVERY _____
--	-------------------	-------------------------------------

SIGNED IN SEATTLE, WASHINGTON THIS 15TH DAY OF JUNE, 2016.

X _____ 

Washington Appellate Project
701 Melbourne Tower
1511 Third Avenue
Seattle, WA 98101
☎(206) 587-2711

WASHINGTON APPELLATE PROJECT

MELBOURNE TOWER • SUITE 701 • 1511 THIRD AVENUE • SEATTLE, WASHINGTON 98101

TOLL-FREE 1-877-587-2711 • ☎ (206) 587-2711 • 📠 (206) 587-2710

WWW.WASHAPP.ORG

FILED
6-5-16

Court of Appeals
Division I
State of Washington

June 15, 2016

Richard Johnson
Court Administrator/Clerk
The Court of Appeals - Division I
600 University Street
Seattle, WA 98101

Re: In re the Personal Restraint Petition of Martin Pang
Court of Appeals No. 73994-8

Dear Mr. Johnson:

This letter regards the appellate record in this matter and specifically the Statement of Arrangements filed May 27, 2016.

Mr. Pang's Petition regards the legal financial obligations imposed as related to his 1998 conviction. Counsel ordered transcription of the guilty plea, sentencing, and financial review hearings to provide for a complete record on review and allow the preparation of a thorough and cogent brief. It has been discovered, however, that the court reporters present for the hearings requested unfortunately no longer have their notes and are unable to produce the transcription.

Counsel has determined that review can still be accomplished without the transcripts of the hearings listed on the Statement of Arrangements, and is filing a brief today based on the existing record.

Sincerely,



Lila Silverstein
Attorney for Petitioner

DECLARATION OF FILING AND MAILING OR DELIVERY

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original of the document to which this declaration is affixed/attached, was filed in the **Court of Appeals – Division One** under **Case No. 73994-8-I**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to the following attorney(s) or party/parties of record at their regular office or residence address as listed on ACORDS:

- respondent James Whisman, DPA
[PAOAppellateUnitMail@kingcounty.gov]
[Jim.Whisman@kingcounty.gov]
King County Prosecutor's Office-Appellate Unit
- appellant
- Attorney for other party



MARIA ANA ARRANZA RILEY, Legal Assistant
Washington Appellate Project

Date: June 15, 2016