

NOS. 45614-1-II & 46836-1-II

**COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

ANSEL W. HOFSTETTER,

Petitioner.

RESPONSE OF THE  
DEPARTMENT OF  
CORRECTIONS

Respondent, the Department of Corrections (Department or DOC), responds to Hofstetter's personal restraint petition pursuant to RAP 16.9. The State (i.e., prosecutor) is co-respondent and will be responding to Hofstetter's challenge to his lifetime community placement term.

Hofstetter claims he is not eligible to earn any early release credits. After he filed his petition, the DOC changed his sentence structure, such that he is now eligible to earn early release credits. Consequently, his claim with regard to the DOC's restraint is now moot.

**I. BASIS OF CUSTODY**

Hofstetter is in the Department of Corrections' custody pursuant to a Pierce County conviction for aggravated first degree murder, committed on March 18, 1991. Exhibit 1, Judgment and Sentence. The superior court (the Honorable Kathryn J. Nelson) sentenced him to 40 months of confinement, which includes a 20-year mandatory minimum term, plus

lifetime community placement. *Id.* at 5. His early release date is August 29, 2028. Exhibit 2, OMNI Legal Face Sheet, at 1 (“ERD: 08/29/2028”).

## II. STATEMENT OF THE CASE

A jury found Hofstetter guilty of aggravated first degree murder, committed when he was 16 years old in 1991. Exhibit 1. The superior court imposed life without possibility of release. Exhibit 3, 1991 Judgment and Sentence. Until 2014, by statute, the only sentences allowed for his crime were death or life without the possibility of release.

In 2012, the United States Supreme Court decided *Miller v. Alabama*, 567 US \_\_\_, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012), which holds that mandatory life without parole for those under the age of 18 at the time of their crimes violates the Eighth Amendment's prohibition on “cruel and unusual punishments.”

In 2013, the court resentenced Hofstetter to a determinate 40 years of confinement, with a 20-year mandatory minimum term, and with lifetime community placement. Exhibit 1. Eight months later, RCW 10.95.030(3) was enacted, which requires offenders such as Hofstetter to be resentenced to an indeterminate sentence with a mandatory minimum term of 25 years and maximum term of life, with community custody for any period the offender was released prior to the maximum term.

Because the sentencing court imposed a singularly unique type of sentence in Hofstetter's case that no statute authorizes, it is beyond the scope of sentences that OMNI (the DOC's sentence structure computer program) is programmed to calculate. Consequently, when Hofstetter filed his petition, his sentence was calculated as 40 years without any early release. Exhibit 4, OMNI View J&S. After he filed his petition, the DOC was able to perform a manual override of OMNI, giving Hofstetter a 20-year mandatory minimum term during which he can earn no early release (*see* RCW 9.94A.540), followed by a 20-year term during which he can earn up to 15 percent early release, pursuant to RCW 9.94A.729(3)(b). Exhibit 5, OMNI View J&S. His projected release date has changed from August 12, 2031, to August 29, 2028. Exhibit 4; Exhibit 5.

### **III. STANDARD OF REVIEW**

A petitioner who challenges a decision from which he has had "no previous or alternative avenue for obtaining state judicial review" must show that he is under restraint and the restraint is unlawful. *In re Pers. Restraint of Cashaw*, 123 Wn.2d 138, 148-49, 866 P.2d 8 (1994); RAP 16.4(a), (c). Under RAP 16.4, a petitioner may obtain relief by showing either a constitutional violation or a violation of state law. RAP 16.4(c)(2), (6); *see Cashaw*, at 148. Further, in challenges to a prison's discretionary decisions, it is a petitioner's burden to show that the DOC's actions were so

arbitrary and capricious as to deny the petitioner a fundamentally fair proceeding so as to work to the offender's prejudice. *Cf. In re Grantham*, 168 Wn.2d 204, 215, ¶ 13, 227 P.3d 285 (2010) (declining to reverse a prison discipline decision).

A petitioner must set forth a statement of “the facts upon which the claim of unlawful restraint of petitioner is based and the evidence available to support the factual allegations, . . . [and] why the petitioner’s restraint is unlawful for one or more of the reasons specified in rule 16.4(c).” RAP 16.7(a)(2). However, bare assertions and conclusory allegations of constitutional violations are insufficient to support a personal restraint petition. *In re Pers. Restraint of Rice*, 118 Wn.2d 876, 886, 828 P.2d 1086 (1992).

#### **IV. ISSUES PRESENTED**

1. Is Hofstetter’s claim regarding early release eligibility moot where the DOC has changed his sentence structure to enable him to earn early release?

2. Is Hofstetter not entitled to relief because he is no longer under the challenged restraint?

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## V. ARGUMENT

### A. Hofstetter's Claim Is Moot Because The DOC Already Gave Him Eligibility To Earn Early Release

Hofstetter claims that the DOC is denying him eligibility for early release. However, the DOC has already given him the ability to earn early release. Thus, there is no further relief this Court can provide. *See Donovan v. State*, 21 Wn. App. 642, 586 P.2d 540 (1978) (holding that when the court can provide no relief, matter is moot). His petition with regard to the DOC is moot.

Mootness can arise at any stage of litigation. *Steffel v. Thompson*, 415 U.S. 452, 459 n.10, 94 S. Ct. 1209, 39 L. Ed. 2d 505 (1974). "Issues are moot when the court can no longer provide effective relief and only abstract questions remain." *In re Williams*, 106 Wn. App. 85, 99, 22 P.3d 283 (2001), *rev'd in part on other grounds*, 147 Wn.2d 476 (2002) (citing *Sorenson v. City of Bellingham*, 80 Wn.2d 547, 558, 496 P.2d 512 (1972)); *see also Calderon v. Moore*, 518 U.S. 149, 150, 116 S. Ct. 2066, 135 L. Ed. 2d 453 (1996).

Because the DOC gave Hofstetter the ability to earn early release, his can obtain no further relief on his claim as to the DOC. *In re Rebecca K.*, 101 Wn. App. 309, 313, 2 P.3d 501 (2000). The Court should deny that claim.

**B. Because Hofstetter Is No Longer Under Restraint, He Is Not Entitled To Relief**

The DOC is no longer holding Hofstetter with regard to the early release days on his sentence. Therefore, he is no longer under restraint. “A personal restraint petition is an appropriate procedure only where the petitioner is under a ‘restraint’ resulting from the challenged decision.” *In re the Welfare of M.R.*, 51 Wn. App. 255, 257, 753 P.2d 986 (1988). The Court may grant relief only if the petitioner is under a present restraint and the restraint is unlawful. RAP 16.4(a); *In re Davis*, 152 Wn.2d 647, 669-70, 101 P.3d 1 (2004). Pursuant to RAP 16.4(b), a petitioner is under “restraint” if the petitioner has limited freedom because of a court decision, is confined, is subject to imminent confinement, or is under some other disability resulting from a judgment or sentence in a criminal case.

Although Hofstetter is currently incarcerated, this does not constitute restraint for purposes of his claim, which contests only the DOC’s denial of any early release. *See In re P.S.*, 75 Wn. App. 571, 574-75, 879 P.2d 294 (1994) (although civilly committed under Snohomish County order, P.S. could not challenge prior Spokane County civil commitment order since P.S. was no longer detained as a result of prior Spokane County order); *In re Huffman*, 34 Wn. App. 570, 572, 662 P.2d 408 (1983) (petitioner could not challenge conditions at Western State

Hospital since petitioner had been transferred to the penitentiary and was no longer under “restraint” as a result of conditions at the hospital). Because Hofstetter is not under the challenged restraint, he is not entitled to relief under RAP 16.4.

#### **V. CONCLUSION**

Because the DOC has given Hofstetter the relief he seeks, Respondent respectfully requests that this court deny the claim in his petition regarding the DOC and dismiss his petition with prejudice.

RESPECTFULLY SUBMITTED this 27th day of March, 2015.

ROBERT W. FERGUSON  
Attorney General

s/ Ronda D. Larson  
RONDA D. LARSON, WSBA#31833  
Assistant Attorney General  
Corrections Division OID #91025  
PO Box 40116  
Olympia WA 98504-0116  
(360) 586-1445

**CERTIFICATE OF SERVICE**

I certify that on the date below I caused to be electronically filed the foregoing document with the Clerk of the Court using the electronic filing system and to the following participant:

JEFFREY ERWIN ELLIS  
LAW OFFICES OF ALSEPT & ELLIS  
621 SW MORRISON ST., STE 1025  
PORTLAND, OR 97205  
[jeffreyerwinellis@gmail.com](mailto:jeffreyerwinellis@gmail.com)

JASON RUYF  
PIERCE COUNTY PROSECUTORS OFFICE  
930 TACOMA AVE S RM 946  
TACOMA WA 98402  
[pcpatcef@co.pierce.wa.us](mailto:pcpatcef@co.pierce.wa.us)

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

DATED this 27th day of March, 2015, at Olympia, WA.

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CHERRIE MELBY  
Legal Assistant

9/20/92, 9/21/92  
10/22/92, 10/23/92  
By: [Signature]

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 91-1-02993-0

vs.

JUDGMENT AND SENTENCE (JS)

ANSEL WOLFGANG HOFSTETTER

Defendant.

- Prison
- RCW 9A.7129.94A.307 Prison Confinement
- Jail One Year or Less
- First-Time Offender
- Special Sexual Offender Sentencing Alternative
- Special Drug Offender Sentencing Alternative
- Alternative to Confinement (ATC)
- Clerk's Action Required, para 4.5 (SDOSA), 4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8
- Juvenile Decline  Mandatory  Discretionary

SID: UNKNOWN

DOB: [REDACTED]

I. HEARING

1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

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

2.1 CURRENT OFFENSE(S): The defendant was found guilty on 02-03-1992 by  plea  jury-verdict  bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
1	AGGRAVATED MURDER IN THE FIRST DEGREE	10.95.020	None	03-12-1991	910770082 PCSD

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Horn, See RCW 46.61.520, (JP) Juvenile present, (SM) Sexual Motivation, (SCF) Sexual Conduct with a Child for a Fee. See RCW 9.94A.533(5). (If the crime is a drug offense, include the type of drug in the second column.)

as charged in the Original Information

EXHIBIT 1

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SCANNED

Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):

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

2.2 CRIMINAL HISTORY (RCW 9.94A.525): NONE KNOWN OR CLAIMED

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	0	XIV		9		LIFE

For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are  attached  as follows: none

2.4  EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:

within  below the standard range for Count(s) \_\_\_\_\_

above the standard range for Count(s) \_\_\_\_\_

The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence further and is consistent with the interests of justice and the purposes of the sentencing reform act.

Aggravating factors were  stipulated by the defendant,  found by the court after the defendant waived jury trial,  found by jury by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4.  Jury's special interrogatory is attached. The Prosecuting Attorney  did  did not recommend a similar sentence.

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:

2.6  FELONY FIREARM OFFENDER REGISTRATION. The defendant committed a felony firearm offense as defined in RCW 9.41.010.

The court considered the following factors:

the defendant's criminal history.

whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.

evidence of the defendant's propensity for violence that would likely endanger persons.

other: \_\_\_\_\_

The court decided the defendant  should  should not register as a felony firearm offender.

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III. JUDGMENT

2.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1.

3.2 [ ] The court DISMISSES Counts \_\_\_\_\_ [ ] The defendant is found NOT GUILTY of Counts \_\_\_\_\_

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

JASS CODE

- RTR/RAN \$ 5637.97 Restitution to: \_\_\_\_\_  
 \$ \_\_\_\_\_ Restitution to: \_\_\_\_\_  
 (Name and Address--address may be withheld and provided confidentially to Clerk's Office).
- FCV \$ ~~500.00~~ Crime Victim assessment
- DNA \$ ~~400.00~~ DNA Database Fee
- PUB \$ \_\_\_\_\_ Court-Appointed Attorney Fees and Defense Costs
- FRC \$ ~~400.00~~ Criminal Filing Fee
- FCM \$ \_\_\_\_\_ Fine

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

- \$ \_\_\_\_\_ Other Costs for: \_\_\_\_\_
- \$ \_\_\_\_\_ Other Costs for: \_\_\_\_\_
- \$ 5637.97 TOTAL Credit for all restitution paid.

[ ] The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[ ] shall be set by the prosecutor.

[ ] is scheduled for \_\_\_\_\_

[ ] RESTITUTION. Order Attached

[ ] The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(E).

[X] All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than \$ \_\_\_\_\_ per month commencing \_\_\_\_\_ RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(F)(c).

**COSTS OF INCARCERATION.** In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate. RCW 10.01.160.

**COLLECTION COSTS** The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

**INTEREST** The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

**COSTS ON APPEAL** An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW. 10.73.160.

4.1b **ELECTRONIC MONITORING REIMBURSEMENT.** The defendant is ordered to reimburse \_\_\_\_\_ (name of electronic monitoring agency) at \_\_\_\_\_ for the cost of pretrial electronic monitoring in the amount of \$\_\_\_\_\_.

4.2  **DNA TESTING.** The defendant shall have a blood/biological sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.734.

**HIV TESTING.** The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

4.3 **NO CONTACT** FAMILY OF  
The defendant shall not have contact with \_\_\_\_\_ (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for LIFE ~~years~~ (not to exceed the maximum statutory sentence).

Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

4.4 **OTHER:** Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law.


4.4a  All property is hereby forfeited

Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law.

4.4b **BOND IS HEREBY EXONERATED**

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4.5 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

(5) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

480 months on Count I

Actual number of months of total confinement ordered is: 480 MONTHS

(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

The confinement time on Count(s) I contain(s) a mandatory minimum term of 240 MONTHS

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9.94A.589. All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, sexual motivation, VUCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively:

The sentence herein shall run consecutively to all felony sentences in other cause numbers imposed prior to the commission of the crime(s) being sentenced. The sentence herein shall run concurrently with felony sentences in other cause numbers imposed after the commission of the crime(s) being sentenced except for the following cause numbers. RCW 9.94A.589:

Confinement shall commence immediately unless otherwise set forth here:

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court:

4.6  COMMUNITY PLACEMENT (pre 7/1/00 offenses) is ordered as follows:

Count I for LIFE months,

Count \_\_\_\_\_ for \_\_\_\_\_ months,

Count \_\_\_\_\_ for \_\_\_\_\_ months,

COMMUNITY CUSTODY (To determine which offenses are eligible for or required for community custody see RCW 9.94A.701)

(A) The defendant shall be on community custody for the longer of:

(1) the period of early release. RCW 9.94A.728(1)(2); or

(2) the period imposed by the court, as follows:

Count(s) \_\_\_\_\_ 36 months for Serious Violent Offenses

Count(s) \_\_\_\_\_ 18 months for Violent Offenses

Count(s) \_\_\_\_\_ 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

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(B) While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (9) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706 and (10) for sex offenses, submit to electronic monitoring if imposed by DOC. The defendant's residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

The court orders that during the period of supervision the defendant shall:

consume no alcohol.

have no contact with: \_\_\_\_\_

remain  within  outside of a specified geographical boundary, to wit: \_\_\_\_\_

not serve in any paid or volunteer capacity where he or she has control or supervision of minors under 13 years of age

participate in the following crime-related treatment or counseling services: \_\_\_\_\_

undergo an evaluation for treatment for  domestic violence  substance abuse

mental health  anger management and fully comply with all recommended treatment.

comply with the following crime-related prohibitions: \_\_\_\_\_

Other conditions: \_\_\_\_\_

For sentences imposed under RCW 9.94A.702, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

PROVIDED: That under no circumstances shall the total term of confinement plus the term of community custody actually served exceed the statutory maximum for each offense

4.7  WORK ETHIC CAMP. RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the

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defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 OFF LIMITS ORDER (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

V. NOTICES AND SIGNATURES

5.1 COLLATERAL ATTACK ON JUDGMENT. Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100, RCW 10.73.090.

5.2 LENGTH OF SUPERVISION. For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505. The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 NOTICE OF INCOME-WITHHOLDING ACTION. If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7605.

5.4 RESTITUTION HEARING

[ ] Defendant waives any right to be present at any restitution hearing (sign initials): \_\_\_\_\_

5.5 CRIMINAL ENFORCEMENT AND CIVIL COLLECTION. Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.

5.6 FIREARMS. You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

5.7 SEX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.200.

N/A

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5.8 [ ] The court finds that Count \_\_\_\_\_ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.10 OTHER: \_\_\_\_\_

DONE in Open Court and in the presence of the defendant this date: 10-18-2013

JUDGE [Signature]  
Print name \_\_\_\_\_

[Signature]  
Deputy Prosecuting Attorney

[Signature]  
Attorney for Defendant

Print name: \_\_\_\_\_  
WSB # 25470

Print name: B. Renee Ats-pi  
WSB # 20200

[Signature]  
Defendant  
Print name: \_\_\_\_\_

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony convictions. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050, or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: [Signature]

CERTIFICATE OF CLERK

CAUSE NUMBER of this case: 91-1-02993-0

I, KEVIN STOCK Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: \_\_\_\_\_

Clerk of said County and State, by: \_\_\_\_\_, Deputy Clerk

IDENTIFICATION OF COURT REPORTER

Dana Eby  
Court Reporter

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IDENTIFICATION OF DEFENDANT

SID No UNKNOWN  
(If no SID take fingerprint card for State Patrol)

Date of Birth [REDACTED]

FBI No UNKNOWN

Local ID No UNKNOWN

PCN No UNKNOWN

Other

Alias name, SSN, DOB:

Race:					Ethnicity:		Sex:		
<input type="checkbox"/>	Asian/Pacific Islander	<input type="checkbox"/>	Black/African- American	<input checked="" type="checkbox"/>	Caucasian	<input type="checkbox"/>	Hispanic	<input checked="" type="checkbox"/>	Male
<input type="checkbox"/>	Native American	<input type="checkbox"/>	Other:	<input type="checkbox"/>	Non- Hispanic	<input type="checkbox"/>		<input type="checkbox"/>	Female

FINGERPRINTS

Left four fingers taken simultaneously	Left Thumb
Right Thumb	Right four fingers taken simultaneously

I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, \_\_\_\_\_ Dated: \_\_\_\_\_

DEFENDANT'S SIGNATURE: [Signature]

DEFENDANT'S ADDRESS: \_\_\_\_\_

APPENDIX "F"

The defendant having been sentenced to the Department of Corrections for a:

- sex offense
- serious violent offense
- assault in the second degree
- any crime where the defendant or an accomplice was armed with a deadly weapon
- any felony under 69.50 and 69.52

The offender shall report to and be available for contact with the assigned community corrections officer as directed:

The offender shall work at Department of Corrections approved education, employment, and/or community service;

The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

An offender in community custody shall not unlawfully possess controlled substances;

The offender shall pay community placement fees as determined by DOC;

The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

The offender shall submit to affirmative acts necessary to monitor compliance with court orders as required by DOC.

The Court may also order any of the following special conditions:

(I) The offender shall remain within, or outside of, a specified geographical boundary: per DOC/CCO

(II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals: per DOC/CCO

(III) The offender shall participate in crime-related treatment or counseling services; per DOC/CCO

(IV) The offender shall not consume alcohol;

(V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

(VI) The offender shall comply with any crime-related prohibitions. per DOC/CCO

(VII) Other: \_\_\_\_\_

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7 SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

8  
9 STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 91-1-02993-0

10 vs.

11 ANSEL WOLFGANG HOFSTETTER

12 Defendant.

ORDER FOR BIOLOGICAL SAMPLE DRAW  
FOR DNA IDENTIFICATION ANALYSIS

13  
14 THIS MATTER having come on regularly before the undersigned Judge for sentencing following  
15 defendant's conviction for:

16  A felony sex offense, which occurred after July 1, 1990, as defined by RCW  
17 9A.030(33), to wit:

and/or

18  A violent offense, which occurred after July 1, 1990, as defined by RCW  
19 9A.030(38), to wit:

AGGRAVATED MURDER IN THE FIRST DEGREE

20  Any felony offense for which a conviction was obtained after July 1, 2002, to  
21 wit:

22 Pursuant to RCW 43.43.754, therefore, it is hereby ordered that the defendant provide a biological sample  
23 to be used for DNA identification analysis as follows:

24 PLACE TO BE TESTED

25  (Out-of-Custody) Report immediately to the Pierce County Sheriff's Office located on  
26 the 1<sup>st</sup> Floor of the County City Building, 930 Tacoma Ave S, Tacoma, Washington for a  
27 biological sample draw.

28  
ORDER FOR BIOLOGICAL SAMPLE DRAW  
FOR DNA IDENTIFICATION ANALYSIS -1

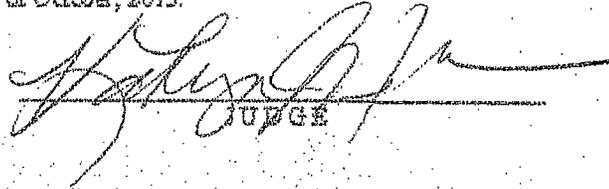
Office of Prosecuting Attorney  
930 Tacoma Avenue S. Room 946  
Tacoma, Washington 98402-2171  
Telephone: (253) 798-7400

(Out-of-Custody) Contact your CCO or other DOC representative to make an appointment to submit a DNA sample. Your sample must be submitted within 60 days of today's date or the date you are released from jail, whichever comes later.

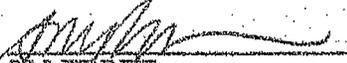
(In-Custody DOC) Submit to the biological sample draw by the Department of Corrections.

(In-Custody PC Jail) Submit to biological sample draw by the Pierce County Jail.

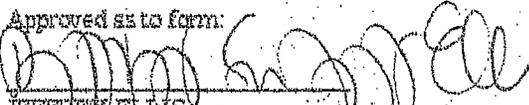
DONE IN OPEN COURT this 18 day of October, 2013.

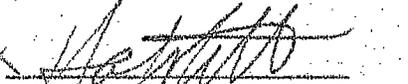
  
\_\_\_\_\_  
JUDGE

Presented by:

  
\_\_\_\_\_  
S.M. PENNER  
Deputy Prosecuting Attorney  
WSE# 25470

Approved as to form:

  
\_\_\_\_\_  
JEFFREY ELMS  
Attorney for Defendant  
WSE# 17139

  
\_\_\_\_\_  
ANNEL WOLFGANG HOPSTETTER  
Defendant

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 91-1-02993-0

vs.

ANSEL WOLFGANG HOFSTETTER

Defendant

ADVICE OF RIGHT TO APPEAL

RIGHT TO APPEAL

Judgment and Sentence having been entered, you are now advised that:

- 1.1 You have the right to appeal your conviction(s). If you have entered a guilty plea, you have waived your right to raise certain issues, as discussed in your guilty plea statement, in an appeal. You have a right to appeal any sentence that is outside the standard sentence range. You also have a right to appeal rulings on other post conviction motions as listed in Rules of Appellate Procedure 2.2.
- 1.2 Unless a notice of appeal is filed with the clerk of the court within thirty (30) days from the entry of judgment or the order appealed from, you have irrevocably waived your right of appeal.
- 1.3 The clerk of the Superior Court will, if requested by you, file a notice of appeal on your behalf.
- 1.4 If you cannot afford the cost of an appeal, you have the right to have a lawyer appointed to represent you on appeal and to have such parts of the trial record as are necessary for review of errors assigned transcribed for you, both at public expense.

ACKNOWLEDGMENT

Regarding the foregoing advice of my "Right to Appeal":

- 1. I understand these rights, and
- 2. I waive formal reading of these rights, and
- 3. I acknowledge receipt of a true copy of these rights.

DATE: 10-18-13

DEFENDANT: [Signature]

DEFENDANT'S ATTORNEY: [Signature]

DATE: 10/18/2013

JUDGE: [Signature]

**Inmate: HOFSTETTER, Ansel Wolfgang (989983)**

Gender: Male      DOB: [REDACTED]      Age: 40      Category: Regular Inmate      Body Status: Active Inmate

RLC: LOW      Wrap-Around: No      Comm. Concern: No      Custody Level: Minimum 3 - Long Term Minimum      Location: SCCC — H3 / H3103U

ERD: 08/29/2028      CC/CCO: Bodwell, Benjamin B

**Offender Information (Combined)**

Prison Max Expiration Date: 08/11/2031      Last Static Risk Assessment Date: 06/24/2013      DOSA:

Planned Release Date:      Last Offender Need Assessment Date: 11/05/2013      ISRB? No

Earned Release Date: 08/29/2028      RLC Override Reason:      CCB? No

ESR Sex Offender Level:      SOSSA? No

ESR Sex Offender Level Date:      Offender Release Plan: Unknown      WEP? No

County Sex Offender Level:      Victim Witness Eligible? Yes

Registration Required?      County Of First Felony Conviction: Pierce

ORCS? No      P U L B E S I O P  
1 1 1 1 1 1 1 1 1

DD? No

SMIO? No

**Sentence Structure (Inmate)**

**Cause: AA – 911029930 – Pierce**

State: Washington      Convicted Name: Ansel Hofstetter      Date Of Sentence: 02/12/1992      Consecutive Cause:

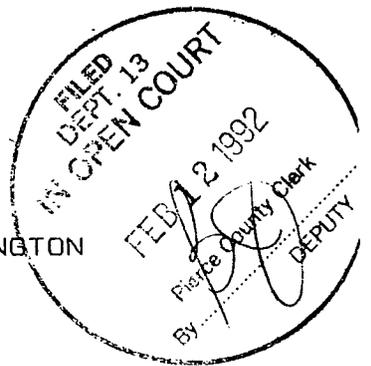
Time Start Date: 02/18/1992      Confinement Length: 0Y, 480M, 0D      Earned Release Date: 08/29/2028

**Count: 1 – RCW 10.95.020 – Aggravated Murder 1**

Anticipatory:      Modifier:      Enhancement:      Mandatory:      Confinement Length: 0Y, 240M, 0D      ERT %: 15.00%      ERD: 08/29/2028      MaxEx: 08/11/2031      Stat Max: Life      Violent Offense? Yes

Supervision Type: CP      Supervision Length: 0Y, 0M, 0D      Consecutive Count:      Hold To Stat Max Expiration:

**EXHIBIT 2**



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ANSEL WOLFGANG HOFSTETTER, )  
 )  
 Defendant. )  
 )  
 DOB: [REDACTED] )  
 )  
 SID No.: WA14633289 )  
 )  
 Local ID No.: )

NO. 91-1-02993-0  
JUDGMENT AND SENTENCE  
(FELONY)

989483  
3-15-92

FEB 12 1992

I. HEARING

1.1 A sentencing hearing in this case was held on 2-12-92.  
1.2 The defendant, the defendant's lawyer, JOHN GALBRAITH, and the  
deputy prosecuting attorney, KITTY ANN VAN-DOORNINCK/W. STEPHEN  
GREGORICH, were present.

II. FINDINGS

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

2.1 CURRENT OFFENSES(S): The defendant was found guilty on February 3,  
1992 by

plea  jury-verdict  bench trial of:

Count No.: I  
Crime: AGGRAVATED MURDER IN THE FIRST DEGREE  
RCW 9A.32.030.(1)(a) and 10.95.020(7) and (9)  
Date of Crime March 18, 1991  
Incident No.: 91 077 0082

EXHIBIT 3

Additional current offenses are attached in Appendix 2.1.  
 A special verdict/finding for use of deadly weapon was returned  
on Count(s).

JUDGMENT AND SENTENCE  
(FELONY) - 1

- A special verdict/finding of sexual motivation was returned on Count(s).
- A special verdict/finding of a RCW 69.50.401(a) violation in a school bus, public transit vehicle, public park, public transit shelter or within 1000 feet of a school bus route stop or the perimeter of a school grounds (RCW 69.50.435).
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

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

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

<u>Crime</u>	<u>Sentencing Date</u>	<u>Adult or Juv. Crime</u>	<u>Date of Crime</u>	<u>Crime Type</u>
--------------	------------------------	----------------------------	----------------------	-------------------

NONE

- Additional criminal history is attached in Appendix 2.2.
- Prior convictions served concurrently and counted as one offense in determining the offender score are (RCW 9.94A.360(11)):

2.3 SENTENCING DATA:

Offender Score	Seriousness Level	Range Months	Maximum Years
----------------	-------------------	--------------	---------------

Count No.  
Count No.  
Count No.

- Additional current offense sentencing data is attached in Appendix 2.3.

2.4 EXCEPTIONAL SENTENCE:

- Substantial and compelling reasons exist which justify a sentence  above  below the standard range for Count(s) . Findings of fact and conclusions of law are attached in Appendix 2.4.

JUDGMENT AND SENTENCE  
(FELONY) - 2

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2.5 RESTITUTION:

- Restitution will not be ordered because the felony did not result in injury to any person or damage to or loss of property.
- Restitution should be ordered. A hearing is set for \_\_\_\_\_.
- Extraordinary circumstances exist that make restitution inappropriate. The extraordinary circumstances are set forth in Appendix 2.5.

2.6 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS: The court has considered the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court specifically finds that the defendant has the ability to pay:

- no legal financial obligations.
- the following legal financial obligations:
  - Restitution only.*
  - crime victim's compensation fees.
  - court costs (filing fee, jury demand fee, witness costs, sheriff services fees, etc.)
  - county or interlocal drug funds.
  - court appointed attorney's fees and cost of defense.
  - fines.
  - other financial obligations assessed as a result of the felony conviction.

2.7  SPECIAL FINDINGS PURSUANT TO RCW 9.94A.120:

- The defendant is a first time offender (RCW 9.94A.030(20)) who shall be sentenced under the waiver of the presumptive sentence range pursuant to RCW 9.94A.120(5).
- The defendant is a sex offender who is eligible for the special sentencing alternative under RCW 9.94A.120(7)(a). The court has determined, pursuant to RCW 9.94A.120(7)(a)(ii), that the special sex offender sentencing alternative is appropriate.

III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

3.2 [ ] The court DISMISSES.

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 LEGAL FINANCIAL OBLIGATIONS. Defendant shall pay to the Clerk of this Court:

\$ 5637.<sup>97</sup>, Restitution to:

4597.<sup>97</sup> \_\_\_\_\_

1040.<sup>00</sup> \_\_\_\_\_

\_\_\_\_\_ Court costs (filing fee, jury demand fee, witness costs, sheriff service fees, etc.);

\_\_\_\_\_ Victim assessment;

\_\_\_\_\_ Fine; [ ] VUCSA additional fine waived due to indigency (RCW 69.50.430);

\_\_\_\_\_ Fees for court appointed attorney;

\_\_\_\_\_ Drug enforcement fund of \_\_\_\_\_;

\_\_\_\_\_ Other costs for: \_\_\_\_\_;

\_\_\_\_\_ TOTAL legal financial obligations [ ] including restitution [ ] not including restitution. [ ] Restitution shall be ordered at a later date.

Payments shall not be less than \$ \_\_\_\_\_ per month. Payments shall commence on \_\_\_\_\_.

Restitution ordered above shall be paid jointly and severally with:

Name	Cause Number
<u>other codefendants who are</u>	_____
<u>ordered to pay restitution</u>	_____

JUDGMENT AND SENTENCE (FELONY) - 4



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4.2 CONFINEMENT OVER ONE YEAR: The court imposes the following sentence:

(a) CONFINEMENT: Defendant is sentenced to following term of total confinement in the custody of the Department of Corrections commencing immediately.

\_\_\_\_\_ months on Count No. \_\_\_\_\_ [ ] concurrent [ ] consecutive  
\_\_\_\_\_ months on Count No. \_\_\_\_\_ [ ] concurrent [ ] consecutive  
\_\_\_\_\_ months on Count No. \_\_\_\_\_ [ ] concurrent [ ] consecutive

~~Actual number of days of total confinement ordered~~  
is: Life in prison without possibility of parole.

This sentence shall be [ ] concurrent [ ] consecutive with the sentence in \_\_\_\_\_

Credit is given for \_\_\_\_\_ days served.

(b) COMMUNITY PLACEMENT (RCW 9.94A.120(8)(b)). The defendant is sentenced to community placement for [ ] one year [ ] two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150(1) and (2), whichever is longer. The terms of community placement shall include the following conditions:

- (i) The defendant shall report to and be available for contact with the assigned community corrections officer as directed.
- (ii) The defendant shall work at Department of Corrections-approved education, employment and/or community service.
- (iii) The defendant shall not consume controlled substances except pursuant to lawfully issued prescriptions.
- (iv) The defendant shall not unlawfully possess controlled substances while in community custody.
- (v) The defendant shall pay supervision fees as determined by the Department of Corrections.

OTHER SPECIAL CONDITIONS AND CRIME RELATED PROHIBITIONS:

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\_\_\_\_\_  
\_\_\_\_\_

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(c) [ ] HIV TESTING. The Health Department or designee shall test the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing.

(d) [ ] DNA TESTING. The defendant shall have a blood sample drawn for purpose of DNA identification analysis. The county shall be responsible for obtaining the sample prior to the defendant's release from confinement.

EACH VIOLATION OF THIS JUDGMENT AND SENTENCE IS PUNISHABLE BY UP TO 60 DAYS OF CONFINEMENT. (RCW 9.94A.200(2)).

ANY DEFENDANT CONVICTED OF A SEX OFFENSE MUST REGISTER WITH THE COUNTY SHERIFF FOR THE COUNTY OF THE DEFENDANT'S RESIDENCE WITHIN 30 DAYS OF DEFENDANT'S RELEASE FROM CUSTODY. RCW 9A.44.130.

PURSUANT TO RCW 10.73.090 AND 10.73.100, THE DEFENDANT'S RIGHT TO FILE ANY KIND OF POST SENTENCE CHALLENGE TO THE CONVICTION OR THE SENTENCE MAY BE LIMITED TO ONE YEAR.

Date: 2-12-92

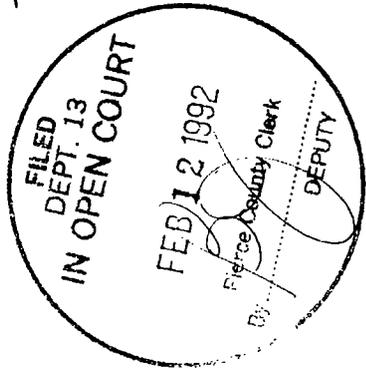
Neil E. Oakes  
JUDGE

Presented by:

Approved as to form:

Ala. a. Smith  
Deputy Prosecuting Attorney  
WSB # \_\_\_\_\_

John C. Ballantyne  
Lawyer for Defendant  
WSB # 11307  
Ronald D. Jones  
WSB 5299



FILED  
DEPT. 13  
IN OPEN COURT  
FEB 12 1992  
Pierce County Clerk  
DEPUTY

FINGERPRINTS

Right Hand  
Fingerprint(s) of: ANSEL WOLFGANG HOFSTETTER Cause #91-1-02993-0

Attested by: \_\_\_\_\_ CLERK  
By: DEPUTY CLERK Betsy Jennings Date: 2-12-92

CERTIFICATE

I, TED RUTT  
Clerk of this Court, certify that  
the above is a true copy of the  
Judgment and Sentence in this  
action on record in my office.

Dated: FEB 13 1992

TED RUTT  
CLERK

By: Janine Cavalieri  
DEPUTY CLERK

OFFENDER IDENTIFICATION

State I.D. #WA14633289

Date of Birth [REDACTED]

Sex M

Race W

ORI \_\_\_\_\_

OCA \_\_\_\_\_

OIN \_\_\_\_\_

DOA \_\_\_\_\_

FILED  
DEPT. 13  
IN OPEN COURT  
FEB 12 1992  
Pierce County Clerk  
DEPUTY



FINGERPRINTS

ORIGINAL

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

FILED  
PIERCE COUNTY JUVENILE COURT

IN AND FOR THE COUNTY OF PIERCE

AUG 13 1991

JUVENILE COURT

PIERCE COUNTY, WASHINGTON  
TED RITT, CLERK  
DEPUTY

STATE OF WASHINGTON,

Plaintiff,

NO. 222824 R060

vs.

ORDER DECLINING JURISDICTION  
AND TRANSPORTING RESPONDENT  
TO THE PIERCE COUNTY JAIL

ANSEL WOLFGANG HOFSTETTER,

DOB: [REDACTED]

Respondent.

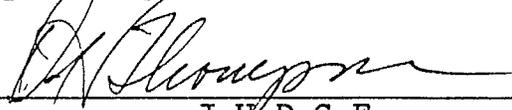
THIS MATTER having come before the above entitled court and the court determining that declining jurisdiction is appropriate, Now, Therefore,

~~IT IS HEREBY ORDERED that jurisdiction over the above entitled respondent is declined and he shall hereafter be proceeded against in adult court.~~

IT IS FURTHER ORDERED that respondent shall be transported to the Pierce County Jail and be held there pending further proceedings in adult court.

~~IT IS FURTHER ORDERED that the presentment of Findings of Fact and Conclusions of Law be set for~~

DONE IN OPEN COURT this 13<sup>th</sup> day of August, 1991.

  
J U D G E

Presented by:

Approved as to Form:

  
W. STEPHEN GREGORICH 5642  
Deputy Prosecuting Attorney

JOHN GALBRAITH  
Attorney at Law

ORDER DECLINING JURISDICTION

Office of Prosecuting Attorney  
Remann Hall Division  
5501 Sixth Avenue  
Tacoma, Washington 98406  
Telephone: 593-4471



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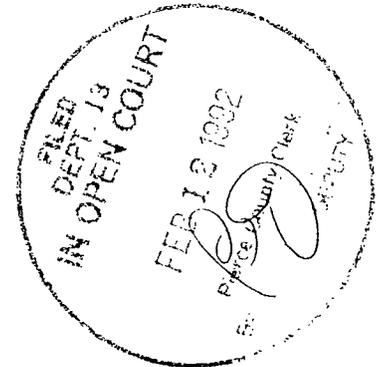
[ ] 3. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement or placement not covered by Sections 1 and 2 above).

Dated: 2-12-92

By direction of the Honorable  
Neil E. Oulry  
J U D G E  
TED RUTT  
C L E R K  
By: Sandy Hyppa  
D E P U T Y C L E R K

CERTIFIED COPY DELIVERED TO SHERIFF

Date 2/12/92 By S Hyppa Deputy



STATE OF WASHINGTON, County of Pierce  
ss: I, Ted Rutt, Clerk of the above  
entitled Court, do hereby certify that  
this foregoing instrument is a true and  
correct copy of the original now on file  
in my office.

IN WITNESS WHEREOF, I hereunto set my  
hand and the Seal of Said Court this  
15<sup>th</sup> day of February, 19 92

TED RUTT, Clerk  
By: Janine Cavalieri Deputy

WA State Department of Corrections  
 13500 135th Ave SE Everett WA 98203

Washington State Department of Corrections

DOC No: 989983 Go

Selected DOC No: 989983 HOFSTETTER, Ansel Wolfgang

Home Assignments Offender Facility Search Administration

Home Offender Sentence Information View J & S - Prison

Logged in as Ronda Larson

**Sentence Information Menu**

- View J & S - Prison
- View J & S - Field
- Conditions
- Earned Time
- Good Conduct Time
- Problem J & S

**Inmate: HOFSTETTER, Ansel Wolfgang (989983)**

[Legal Face Sheet](#)

Gender: Male    DOB: [REDACTED]    Age: 39    Category: Regular Inmate    Body Status: Active Inmate  
 RLC: LOW    Wrap-Around: No    Comm. Concern: No    Custody Level: Minimum 3 - Long Term Minimum    Location: SCCC - H3 / H3103U  
 ERD: 08/12/2031    CC/CCO: Rowdwell, Benjamin B

**View J & S - Prison**

Period Of Jurisdiction  
 02/18/1992 - Current

Display  
 Include Closed Causes     Enable Scrolling

Sentence Drilldown:  
 Cause, Count, & Confinement Element  
 WEP Eligible Offender: No  
 Felony Firearm Registration: No

Details  
 ERD Calculations     MaxEx Calculations     StatMax Calculations  
 Out Time     Graphical Sentence View

Cause	Count	Confinement Element	Consecutive Confinement	Status	Confinement Length	Time Start Date	ERD	+ Length In Days	- Cause Credits	- Cause ERT Credit	ERT %	- Potential ET	+ ET Earned	+ ET Not Earned	Available ET	Potential GCT	GCT Certified	+ GCT Last
<b>Offender Overall</b>																		
<input type="radio"/> AA-911029930-Pierce-CP [Resentence/Modification]			Active	0Y, 480M, 0D	02/18/1992	08/12/2031		-	-	-	-	-	-	-	-	-	-	-
<input type="radio"/> 1- Aggravated Murder 1			Active	0Y, 480M, 0D	02/18/1992	08/12/2031	14,609	189	0	0	00%	0	00	0	00	0	0	0
Base			-	0Y, 480M, 0D	02/18/1992	08/12/2031	14,609	189	13	0	00%	0	00	0	00	0	0	0

**Sanctions**  
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**EXHIBIT 4**

Wash State Dept of Corrections

Washington State Department of Corrections

DOC No: 989983 Go

Selected DOC No: 989983 HOFSTETTER, Ansel Wolfgang

Home Assignments Offender Facility Search Administration

Home Offender Sentence Information View J & S - Prison

Most Recent Search | Logged in as Ronda Larson

**Sentence Information Menu**

- View J & S - Prison
- View J & S - Field
- Conditions
- Earned Time
- Good Conduct Time
- Problem J & S

**Inmate: HOFSTETTER, Ansel Wolfgang (989983)**

[Legal Face Sheet](#)

Gender: Male    DOB: [REDACTED]    Age: 40    Category: Regular Inmate    Body Status: Active Inmate  
 RLC: LOW    Wrap-Around: No    Comm. Concern: No    Custody Level: Minimum 3 - Long Term Minimum    Location: SCCC - H3 / H3103U  
 ERD: 08/29/2028    CC/CCO: Bedwell, Benjamin B

**View J & S - Prison**

Period Of Jurisdiction  
 02/18/1992 - Current

Display  
 Include Closed Causes     Enable Scrolling

Sentence Drilldown\*  
 Cause, Count, & Confinement Element  
 WEP Eligible Offender: No  
 Felony Firearm Registration: No

Details  
 ERD Calculations     MaxEx Calculations     StatMax Calculations  
 Out Time     Graphical Sentence View

Cause	Count	Confinement Element	Consecutive Confinement	Status	Confinement Length	Time Start Date	ERD	+ Length In Days	- Cause Credits	- Cause ERT Credit	ERT %	- Potential ET	+ ET Earned	+ ET Not Earned	Available ET	Potential GCT					
<b>Offender Overall</b>																					
AA-911029930-Pierce-CP [Resentence/Modification]				Active	0Y, 480M, 0D	02/18/1992	08/29/2028	-	-	-	-	-	-	-	-	729					
1- Aggravated Murder 1				Active	0Y, 480M, 0D	02/18/1992	08/29/2028	14,609	189	13	15	00%	364	51	72	82	0	00	291	69	729
Mandatory				-	0Y, 240M, 0D	02/18/1992	08/12/2011	7,304	189	0	0	00%	0	00	0	00	0	00	0	00	0
Base			AA-1-Mandatory	-	0Y, 240M, 0D	08/12/2011	08/29/2028	7,304	0	13	15	00%	364	51	72	82	0	00	291	69	729

**Sanctions**

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Analyze    Print

EXHIBIT 5

**COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

ANSEL W. HOFSTETTER,

Petitioner.

DECLARATION OF  
RONDA LARSON

I, RONDA LARSON, make the following declaration:

1. I am an assistant attorney general (AAG) for the Washington Attorney General's Office (AGO) at the Corrections Division in Olympia, Washington. I have knowledge of the facts stated herein and am competent to testify.

2. I am familiar with the Offender Management Network Information (OMNI) software used by the Department of Corrections (DOC) and am authorized by the DOC to retrieve information from OMNI. Among other things, OMNI tracks information regarding an offender's location and custody.

3. I printed out correct copies of the OMNI Legal Face Sheet and sentence information screens for Ansel Hostetter, DOC No. 989983, to be used as exhibits.

4. The AGO maintains a case file for each lawsuit to which it is a party. This file contains documents received by this office and filed

by this office in the case. As an AAG, I am a custodian of records kept by AGO in the ordinary course of business.

5. I made correct copies of several documents from the AGO case file of the post-sentence petition that I had planned to file in Mr. Hofstetter's case in 2013. These include the 1992 and 2013 judgments and sentences in his case.

I declare under the penalty of perjury of the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 27th day of March 2015, at Olympia,  
Washington.

  
\_\_\_\_\_  
RONDA LARSON

**WASHINGTON STATE ATTORNEY GENERAL**

**March 27, 2015 - 1:50 PM**

**Transmittal Letter**

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Case Name: In re Personal Restraint Petition of Ansel W. Hofstetter

Court of Appeals Case Number: 45614-1

**Is this a Personal Restraint Petition?**  Yes  No

**The document being Filed is:**

Designation of Clerk's Papers  Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion:

Answer/Reply to Motion:

Brief:

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes:

Hearing Date(s):

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other:

**Comments:**

No Comments were entered.

Sender Name: Cherrie S Melby - Email: [cherriek@atg.wa.gov](mailto:cherriek@atg.wa.gov)