

FILED

NOV 07 2016

WASHINGTON STATE  
SUPREME COURT

93803.2

NOTICE FOR DISCRETIONARY REVIEW

SUPERIOR COURT OF WASHINGTON  
FOR WHATCOM COUNTY

2016 NOV -1 PM 1:12  
STATE OF WASHINGTON  
COURT OF APPEALS DIV 1

State of Washington	)	
Plaintiff,	)	No. 13-1-01064-2
	)	C.O.A. No. 73149-1-1
v.	)	Notice of Discretionary Review
Rosemary Kamb	)	to the Supreme Court
Defendant.	)	

Rosemary Kamb, Pro Se, asks this court to accept review of the following:

1. Decision of the Court of Appeals, Division One decision, entered on or about, October 3, 2016, denying "meaningful" appeal and review of denial of request for effective assigned appellate counsel.
2. Also the decision of the Whatcom County superior court Alford Plea, entered on or about July, \_\_\_, 2014, (objected to form and content by the defendant both at the time of the plea being entered as well as at the time of sentencing (over six months later) when she requested further clarification regarding "intent"; and further review of the Whatcom County Combined Sentencing and Restitution Hearing, entered on or about January, 21, 2015. As well as the three main underlying trial court defense motions raised pre-trial regarding probable cause, suppression, and the Franks motions, each and every one denied when heard in Whatcom County, where venue was moved after all Skagit County Judges had recused themselves.
3. Review is also requested of all orders and continuances signed by recused judges, specifically, but not limited to Skagit County Superior Court Judge Susan Cook, (continuance) and Skagit County District Court Judge, David Svaren,(arrest) both having bias. Also review of the Prosecutor's actions re: no ongoing investigation while requesting continuance upon continuance<sup>1</sup>
4. Also review of the actions taken surreptitiously by the unrecognized prosecution, the Washington State Bar Association and its agents and the effect of the testimonial<sup>2</sup> and non-testimonial statements and allegations giving rise to the criminal proceeding and denying right to confrontation<sup>3</sup> of accusers<sup>4</sup> by defendant.
5. Review of the WSBA Statement of Concern, Defense Witness lists dated December 20, 2013, as well as WSBA & Discovery interviews of attorney Tom Moser regarding entrapment. There is substantial documentation that verify the vindictive and malicious prosecution has been perpetrated and the a number of attorneys went to great lengths, some of these illegal, to create the smoke and mirrors of the "appearance" of proper investigation when there was none, particularly in WSBA actions.

<sup>1</sup> Prosecutor's Declaration for continuances, dated April 21, 2014 where she identifies 2,949 pages of WSBA records & acknowledges

<sup>2</sup> Allegations likely used for prosecutorial purposes. see Shafer, 156 Wn.2s @390; Also, Crawford v. Washington, 541 U.S. 36, 53-54, 124 S. Ct. 1354, (2004)

<sup>3</sup> U.S. Constitution, Sixth Amendment; Washington State Constitution

<sup>4</sup> Testimony of Dorothy Knott indicating that Francesca D'Angelo of the WSBA repeatedly requested she file complaints against Kamb and that she had done this before Knott left on her vacation the first of September 2010. Mr. Keating the Trustor having died on August 12, 2010; and Tom Moser delivering the documents per WSBA instruction to Kamb to pay the bills on or about the time of Kamb's first check to Mountain Glen Retirement home, August 28<sup>th</sup> or 30<sup>th</sup>, 2010, in the amount of \$2,495.00.

6. Further review is requested of actions taken by the WSBA agents following receipt of defense subpoenas in discovery. WSBA's counsel contacted defense counsel informing him that none of the agents identified would be available to testify. When told defense would be filing a motion to compel the witnesses to do so, was informed that the WSBA claimed it did not have to do so. Defense counsel was bullied, intimidated and threatened by the WSBA lawyer who informed him that "it would not be in anyone's best interest to compel discovery from the WSBA." The right to confrontation was denied defendant requesting that the WSBA accusers be forced to testify under oath so that they might be impeached. When defendant requested her counsel to file a motion to compel she was firmly told by her own counsel, "it would not be in anyone's best interest to do that Rosemary." In Washington State the bar association's unfettered long omnipotent disciplinary arm created a conflict of interest between the defense counsel and his client. The very agency with the mission statement of protecting the justice system misused its authority here to usurp it. That is the epitome of corruption, the abuse of public power or office by officials, and it is squarely under the jurisdiction of the Supreme Court of this state to investigate the misuse of power by the Washington State Bar Association.

- A. Issue: The WSBA created the conflict that gave rise to ineffective assistance of counsel by creating a personal conflict with defendant when he chose not to enforce the many subpoenas sent out to WSBA agents once he was threatened that it would not be in his best interest to do so. Thereafter, even when two of the primary defense exculpatory witnesses had died waiting for the prosecution to go forward, defense counsel refused defendant's request for a directed verdict saying he wasn't going to ask for something that wasn't going to be granted. Yet, when the prosecution fails in an on-going investigation and the defense loses one witness the matter may be dismissed entirely and the defendant goes free. In this case, two primary defense witnesses died before the state moved the case forward, yet defense counsel would not ask for a directed verdict when requested by defendant.

7. The Defendant did an Alford Plea. Her attorneys, Tom Sequine and Kurt Bulmer discussed the matter and Bulmer was led to believe that because there was no intent with regard to an Alford Plea, there was no way that the WSBA could use the plea against her should she wish to reinstate her license at some point. That was the Defendant's only concern. She knew she had no intent to commit a crime. When Judge Uhrig specifically ruled on intent, he went outside the authority of the plea. He did not need to do that as there was already an aggravating circumstance with the matter simply being a trust. The Defendant never agreed to have intent be an issue and would have gone to trial but for the fact that her exculpatory witnesses had died.

8. Finally, Defendant has requested documents placed into the prison mail at Washington Correction Center for Women (WCCW), legal mail, specifically her handwritten Statement of Additional Grounds for Review placed in the WCCW mailbox April 18, 2016, and her second typewritten Statement of Additional Grounds placed into the prison mailbox, on or about July 18, 2016; mail that was never verified as being received by Division One. This denied defendant access to the courts.<sup>5</sup> Repeated efforts for a "meaningful appeal" were denied by the application of authority at WCCW that is far removed from the DOC Mail Policy 590.500 that governs how authority is to act. Property not claimed after thirty days is destroyed at WCCW, yet when the offender places an item in the prison mail system it is the duty of the prison authority to see that that item is mailed out and not left in the mailroom to go unclaimed and disposed of under another policy. Other authority at WCCW verified that Defendant placed her Statements of Additional Grounds (with significant issues of merit) into the prison mail system and that these did not go out.<sup>6</sup>

Copies of what is currently available to the Defendant have been attached.

---

<sup>5</sup> US Supreme Court decision issued in 1977, the Bounds case.

<sup>6</sup> Statement on DOC letterhead from Donald Walston, residence counselor of J-Unit on MSC campus of WCCW. This statement was sent to the Court of Appeals at the time of request for another continuance to file Statement of Additional Grounds, sometime after April 18, 2016. In the C.O.A. records and files supporting motion for continuance.

Not mailing out packages and specifically not mailing out designated legal mail is in violation of DOC Policy 590. And in this case denies access to the Court as mandated by the US Supreme Court decision issued in 1977, the Bounds case.

9. Division One had notice of the on-going denial of access to the courts by the WCCW mailroom and significant documentation of the same has been filed with the Court of Appeals to support continuation of the matter to re-write the Appellant's Statement of Additional Grounds, which addressed significant issues for review to provide for a "meaningful" appeal. After the first Statement went missing Appellant requested her assigned counsel to address the three pre-trial motions denied by the Whatcom County Court, and denying confrontation of the WSBA witnesses. Assigned counsel refused to address the issues stating these were without merit, although as pre-trial motions these have been raised and are within the scope of review.

It is the contention of this appellant that the Superior Court committed obvious error in ruling on intent with regard to an Alford Plea specifically, and alternatively went outside the scope of authority when there was already a stipulation to aggravation due to the fact that a trust exists. However, there was no understanding at the time of this stipulation that defendant used this fiduciary hat to perpetrate a crime. That was not clear to the defendant. Only that the matter happened while she was trustee and because she was trustee she accepted full responsibility for what happened while she was trustee. Not that she abused her trustee power. That was not clear to the defendant at the time of the plea. There was no meeting of the minds here.

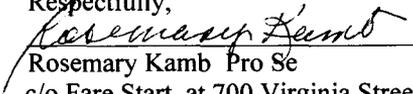
This error substantially altered the Alford Plea. The lower court departed from the accepted and usual course of judicial proceedings when it refuses to further address the issue at sentencing at the request of the defendant. The circumstances here are highly unusual as the defendant has licensing issues that arise in the event of an intentional crime that she would not otherwise have without the finding of intent by Judge Uhrig. Additionally, there are pages of testimony from licensed medical providers that clearly testify that the Defendant was significantly impaired, was confused in her executive functioning, all vastly different from the finding of an intention action.

This case involves a fundamental and urgent issue of broad public importance which requires the prompt determination by this court. Access to the court by incarcerated individuals is paramount to justice in America. The United States incarcerates more than one quarter of the world's detainees, and is the only country that incarcerates non-violent offenders. When our system has been reduced to plea bargaining with clearly an unequal power by the bargainers resulting in an unprecedented number of detainees it is clearly of broad public importance whether access to the courts is being denied by the operation of prison mailroom staff. Statements of Additional Grounds for meaningful review should not just go missing without some sort of investigation, let alone go missing twice! Then to be denied the ability to go to the law library because the court grants you a window to get the second brief in but does not give a specific date, again denies the defendant the ability to access the courts. The arbitrary implementation of policy regarding the law library and access as well as the prison mail box rule need to be addressed so this simply does not happen again and in this case there is a mountain of evidence.

**Finally, the petitioner requests that this Court assign counsel to effectively assist in the preparation of the motion for discretionary review should this court accept review of the issues and concerns presented.**

November 1, 2016

Respectfully,

  
Rosemary Kamb Pro Se  
c/o Fare Start at 700 Virginia Street  
Seattle, Washington 98101  
Messages (360) 820-2833

**Declaration of Mailing of Notice for Discretionary Review  
by the Supreme Court of Washington**

**Court of Appeals – Division 1**

**No. 73149-1-1 &**

**Superior Court of Washington  
County of Whatcom**

**No. 13-1-01064-2**

State of Washington

and

Rosemary Kamb

Plaintiff,

Defendent.

**No.**

**Declaration of Mailing of  
Notice for Discretionary  
Review**

***I Declare:***

1. I am over the age of 18 years, and I am not a party to this action.
2. I placed a copy of the following documents into the U.S. Mail on November 1, 2016 following filing same with the clerk of the Washington State Court of Appeals – Division One:

To: Rosemary Hawkins Kaholokula  
Skagit County Prosecuting Attorney  
605 S. 3<sup>rd</sup> Street  
Mount Vernon, Washington 98273

To: Casey Grannis  
Nielsen Broman Koch PLLC  
1908 E. Madison Street  
Seattle, Washington 98122-

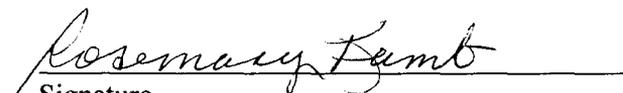
2842

XX Notice of Discretionary Review  
XX Motion & Declaration for Waiver of Fees & Indigency Screening Form  
XX Declarations of Mailing Same

by mailing two copies postage prepaid to the persons named above November 1, 2016 by ordinary first class mail.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

' Signed at Seattle, Washington, on November 1, 2016.

A handwritten signature in cursive script that reads "Rosemary Kamb". The signature is written in black ink and is positioned above a horizontal line.

Signature

Rosemary Kamb, Appellant

Rosemary Karab  
Chateau Station  
100 Village St  
Seattle WA 98101

Rosemary Karab  
Chateau Station  
100 Village St  
Seattle WA 98101



PITNEY BOWES

\$ 001.36

02 1P  
0001847895 NOV 01 2016  
MAILED FROM ZIP CODE 98101





*Handwritten address on the envelope flap, including "11550 W. ..."*



02 1P  
0001847895 NOV 01 2016  
MAILED FROM ZIP CODE 98101  
UNITED STATES POSTAGE  
PITNEY BOWES  
**\$ 001.360**

12 August 2016

To The Chief Justice

To the Clerk of The Court

Washington State Court of Appeals

Division One - One Union Square

600 University St.

Seattle, WA 98101

Re: Statement of Additional Grounds Brief.

Your Honor - Sir -

I received back from the WCCW mail room a notice that says the mail room didn't keep copies of my postage transfers for my Statement of Additional Grounds & my other court motions from 6/12/16 and 7/18/16 (brief).

I received a letter saying there would be no oral argument & my appeal was to be heard by a panel of 3, but nothing regarding my brief. I believe there are issues to be argued raised in my brief and am concerned I have not been charged for mail on my account. My last brief disappeared and my box got mailed out later so I want to make sure you got my brief.

Please let me know through Counselor Walston by telephone if possible. I think Jacqueline the Case Manager has his number here at W.C.C.W.

Thank you

Rosemary Lamb

P.S. I am mailing this out general mail as my legal mail "appears" to be intercepted before going out & my hope is that this will reach the court, sooner.



OFFENDER'S KITE

PAPELETA DE PETICIÓN DEL INTERNO

OFFENDER NAME (PRINT) NOMBRE DEL INTERNO (LETRA DE MOLDE) Kamb, ROSEMARY -		
DOC NUMBER/NÚMERO DOC 381951	FACILITY, UNIT, CELL/FACILITY IS INSTALACIÓN UNIDAD, CELDA WCCW- WSC-7-A13	DATE/FECHA 7/12/16
DESIRE INTERVIEW WITH OR ANSWER FROM/DESEA ENTREVISTA CON O RESPUESTA DE Mail Room		

REASON/QUESTION  
RAZÓN/PREGUNTA

Interpreter needed for \_\_\_\_\_ (language).  
 Necesito intérprete para \_\_\_\_\_ (idioma).

I'd like the certified - return receipt please - or at least a copy of the signed card w/ # of certified mail & copy of both sides - where mailed & who received it - Thank-you

SIGNATURE/FIRMA

Kamb

DAYS OFF/DÍAS LIBRES

RESPONSE  
RESPUESTA

RESPONDER/PERSONA QUE RESPONDE

DATE/FECHA



OFFENDER'S KITE

PAPELETA DE PETICIÓN DEL INTERNO

OFFENDER NAME (PRINT) NOMBRE DEL INTERNO (LETRA DE MOLDE) KAMB, ROSEMARY		
DOC NUMBER/NÚMERO DOC 381951	FACILITY, UNIT, CELL/FACILITY IS INSTALACIÓN UNIDAD, CELDA WSC- J A13	DATE/FECHA 8/2/16
DESIRE INTERVIEW WITH OR ANSWER FROM/DESEA ENTREVISTA CON O RESPUESTA DE Mail room -		

REASON/QUESTION  
RAZÓN/PREGUNTA

Interpreter needed for \_\_\_\_\_ (language).  
 Necesito intérprete para \_\_\_\_\_ (idioma).

I have not received back my postage transfers for my brief extension to the court dated 6/12/2016. May I have them please, also July 18, 2016 legal mail - Thank-you  
ASAP

SIGNATURE/FIRMA

Kamb

DAYS OFF/DÍAS LIBRES

RESPONSE  
RESPUESTA

RESPONDER/PERSONA QUE RESPONDE

DATE/FECHA



RECEIPT RECEIVED  
 I'd like a COPY  
 Return Receipt Please - Thank you



sent kite asking about this 8/2/16

PLEASE WITHDRAW SUFFICIENT FUNDS FROM MY ACCOUNT TO COVER THE COST OF MAILING THE ATTACHED LETTER/PACKAGE.  
 FAVOR DE RETIRAR LOS FONDOS SUFICIENTES DE MI CUENTA PARA CUBRIR LOS GASTOS DEL ENVIO DE ESTA CARTA/PAQUETE.

OFFENDER NAME (PLEASE PRINT) NOMBRE DEL INTERNO/INTERNA (LETRA DE MOLDE, POR FAVOR) <b>KAMB, ROSEMARY</b>		<input checked="" type="checkbox"/> LEGAL MAIL CORREO LEGAL
DOC NUMBER NUMERO DOC <b>381951</b>	HALL/UNIT PASILLO/UNIDAD <b>MSC-J-A13</b>	<input type="checkbox"/> PROPERTY PROPIEDAD
OFFENDER SIGNATURE FIRMA DEL INTERNO/INTERNA <i>Rkamb</i>	DATE FECHA <b>7/18/2016</b>	<input type="checkbox"/> FUNDS ON HOLD FONDOS SUSPENDIDOS
<input type="checkbox"/> CERTIFIED ONLY CERTIFICADO SOLAMENTE	<input type="checkbox"/> GROUND COURIER (NO P.O. BOXES ACCEPTED) MENSAJERIA LOCAL (NO APARTADOS POSTALES)	<input type="checkbox"/> PARCEL PAQUETE <input type="checkbox"/> FLAT PAQUETE PLANO DATE MAILED FECHA ENVIADO COMMENTS COMENTARIOS
<input checked="" type="checkbox"/> CERTIFIED WITH RETURN RECEIPT CERTIFICADO CON ACUSE DE RECIBO	<input type="checkbox"/> U.S. POSTAL SERVICE 1 <sup>ST</sup> CLASS SERVICIO DE CORREO DE LOS EE.UU. - 1 <sup>RA</sup> CLASE	
<input type="checkbox"/> INSURED ASEGURADO	<input type="checkbox"/> U.S. POSTAL SERVICE STANDARD POST SERVICIO DE CORREO DE LOS EE.UU. - ORDINARIO	
<input type="checkbox"/> OUTSIDE U.S.A. AFUERA DE LOS EE.UU.	<input type="checkbox"/> INSURANCE SEGURO	
NAME/NOMBRE <b>Chief Justice &amp; Clerk of Court of Appeals Division 1</b>		<input type="checkbox"/> PARCEL PAQUETE <input type="checkbox"/> FLAT PAQUETE PLANO DATE MAILED FECHA ENVIADO COMMENTS COMENTARIOS
STREET/DIRECCION POSTAL <b>UW University / One Union Square</b>		
CITY/CIUDAD <b>Seattle</b>	STATE/ESTADO <b>WA</b>	
COUNTRY/PAIS <b>USA</b>		

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

DOC 02-003 ES (REV. 08/18/14) White - Offender Banking Canary - Mailroom Pink - Offender

sent kite asking about this 8/2/16



POSTAGE TRANSFER  
 TRANSFERENCIA DE FONDOS PARA GASTOS DE ENVIO



PLEASE WITHDRAW SUFFICIENT FUNDS FROM MY ACCOUNT TO COVER THE COST OF MAILING THE ATTACHED LETTER/PACKAGE.  
 FAVOR DE RETIRAR LOS FONDOS SUFICIENTES DE MI CUENTA PARA CUBRIR LOS GASTOS DEL ENVIO DE ESTA CARTA/PAQUETE.

OFFENDER NAME (PLEASE PRINT) NOMBRE DEL INTERNO/INTERNA (LETRA DE MOLDE, POR FAVOR) <b>/ Rosemary Kamb</b>		<input checked="" type="checkbox"/> LEGAL MAIL CORREO LEGAL
DOC NUMBER NUMERO DOC <b>381951</b>	HALL/UNIT PASILLO/UNIDAD <b>MSC-J-A13</b>	<input type="checkbox"/> PROPERTY PROPIEDAD
OFFENDER SIGNATURE FIRMA DEL INTERNO/INTERNA <i>Rkamb</i>	DATE FECHA <b>6/12/2016</b>	<input type="checkbox"/> FUNDS ON HOLD FONDOS SUSPENDIDOS
<input type="checkbox"/> CERTIFIED ONLY CERTIFICADO SOLAMENTE	<input type="checkbox"/> GROUND COURIER (NO P.O. BOXES ACCEPTED) MENSAJERIA LOCAL (NO APARTADOS POSTALES)	<input type="checkbox"/> PARCEL PAQUETE <input type="checkbox"/> FLAT PAQUETE PLANO DATE MAILED FECHA ENVIADO COMMENTS COMENTARIOS
<input checked="" type="checkbox"/> CERTIFIED WITH RETURN RECEIPT CERTIFICADO CON ACUSE DE RECIBO	<input checked="" type="checkbox"/> U.S. POSTAL SERVICE 1 <sup>ST</sup> CLASS SERVICIO DE CORREO DE LOS EE.UU. - 1 <sup>RA</sup> CLASE	
<input type="checkbox"/> INSURED ASEGURADO	<input type="checkbox"/> U.S. POSTAL SERVICE STANDARD POST SERVICIO DE CORREO DE LOS EE.UU. - ORDINARIO	
<input type="checkbox"/> OUTSIDE U.S.A. AFUERA DE LOS EE.UU.	<input type="checkbox"/> INSURANCE SEGURO	
NAME/NOMBRE <b>Clerk of The Court of Appeals Div. One</b>		<input type="checkbox"/> PARCEL PAQUETE <input type="checkbox"/> FLAT PAQUETE PLANO DATE MAILED FECHA ENVIADO COMMENTS COMENTARIOS
STREET/DIRECCION POSTAL <b>Chief Justice II - UW University - One Union Sq</b>		
CITY/CIUDAD <b>Seattle</b>	STATE/ESTADO <b>WA</b>	
COUNTRY/PAIS <b>USA</b>		

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

DOC 02-003 ES (REV. 08/18/14) White - Offender Banking Canary - Mailroom Pink - Offender

Supreme Court of Washington For _____
State of Washington Plaintiff/Respondent
vs. Rosemary Kamb Defendan/Appellant.

C.O.A. No. 73149-1-1

No. Whatcom County  
No. 13-1-01064-2

**Motion and Declaration For Waiver of Civil Fees and Surcharges (MTAF)**

**I. Motion**

- 1.1 I am the  petitioner/plaintiff XXX respondent/defendant in this action.
- 1.2 I am asking for a waiver of fees and surcharges under GR 34.

**II. Basis for Motion**

- 2.1. GR 34 allows the court to waive “fees or surcharges the payment of which is a condition precedent to a litigant’s ability to secure access to judicial relief” for a person who is indigent. As outlined below, I am indigent.

Dated: November 1, 2016

Signature of Requesting Party

*Rosemary Kamb*  
\_\_\_\_\_  
Rosemary Kamb – Pro Se

**III. Declaration**

I declare that,

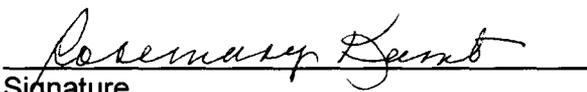
- 3.1 I cannot afford to meet my necessary household living expenses and pay the fees and surcharges imposed by the court. Please see the attached Financial Statement, which I incorporate as part of this declaration.

3.2 In addition to the information in the financial statement I would like the court to consider the following: The two letters attached: One from the Washington State Department of Corrections indicating that I am currently in work release and therefore still an incarcerated person and that I have no income, but am enrolled at this time in the Fare Start training program for culinary profession; and the second letter from the Fare Start training program's counselor assigned to help me indicating the type of assistance I receive while in the program.

(Check if applies.) I filed this motion by mail. I enclosed a self-addressed stamped envelope with the motion so that I can receive a copy of the order once it is signed.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) Seattle, (state) WA on (date) 11-1-2016.

  
Signature  
Rosemary Kamb



Helen B. Ratcliff Work /Training Release  
1531 13<sup>th</sup> Ave. S. \* Seattle WA 98144 \* Phone (206) 320-6600 \* FAX (206) 720-3399

10/21/2016

**To:** Whom it may concern  
**RE:** Kamb, Rosemary

I am writing to confirm that Ms. Kamb was transferred from *Washington Corrections Center for Women* to *Helen B. Ratcliff Work Release* in Seattle on 8/31/16 in order to complete the remainder of her prison sentence, with an estimated release date of 11/28/16. Currently, Ms. Kamb is unemployed and attending culinary school at Farestart.

If there are any questions, please feel free to contact me at the number below.

Thank you,

Togafau Seumaala | Community Corrections Officer  
Helen B. Ratcliff Work Release  
1531 13th Ave S  
Seattle, WA 98144  
206-320-6600



FareStart provides a community that transforms lives by empowering homeless and disadvantaged men, women, and families to achieve self-sufficiency through life skills, job training, and employment in the food service industry.

September 22, 2016

To whom it may concern

Rosemary Kamb Kidane is a current FareStart student who started the program 2016. FareStart is a BFET approved job/worker retraining program. Mrs. Kamb Kidane receives a \$25 gift card every two weeks for the first five weeks of our program and then every three weeks for the remaining eleven weeks of our sixteen week program. She also gets two \$20 vouchers to Goodwill to be used for clothing only. The FareStart program only provides one meal a day, five days a week to our students and the essentials for attending the program **there is no cash, check, or prepaid debt card provided to our students.**

All housing support is given directly to housing providers to cover nightly rent; all other support is given to the student in the form of gift cards or vouchers and is intended to be used to support the student through the program.

Mrs. Kamb Kidane's other resources (food, clothing, bedding, hygiene items, utilities) are provide through Washington State Department of Corrections – Women's Work Release program. To our knowledge she is not employed and has not been for 16 months.

Please contact me if you have any questions.

Sincerely,  
**April L. Wilson, MPH**  
*Employment Specialist*  
Farestart  
700 Virginia  
Seattle, WA 98101  
(206) 267-6220  
april.wilson@farestart.org



700 Virginia Street  
Seattle, WA 98101

(206) 443-1233  
fax (206) 441-7543

info@farestart.org  
www.farestart.org

SAMPLE INDIGENCY SCREENING FORM

**CONFIDENTIAL**

[Per RCW 10.101.020(3)]

Name     Rosemary Kamb    

Address     % Fare Start 700 Virginia    

City     Seattle     State     Wa     Zip     98101    

1. Place an "x" next to any of the following types of assistance you receive:

- |   |   |
|---|---|
| <input type="checkbox"/> Welfare                            | <input type="checkbox"/> Poverty Related Veterans' Benefits         |
| <input type="checkbox"/> Food Stamps                        | <input type="checkbox"/> Temporary Assistance for Needy Families    |
| <input type="checkbox"/> SSI                                | <input type="checkbox"/> Refugee Settlement Benefits                |
| <input type="checkbox"/> Medicaid                           | <input type="checkbox"/> Aged, Blind or Disabled Assistance Program |
| <input type="checkbox"/> Pregnant Women Assistance Benefits |   |

**Other – Please Describe: Currently in Work Release at Helen B. Ratcliff House in Seattle, Washington through November 28, 2016. Not employed but enrolled in the Fare Start Culinary Program for retraining, see attached letters of indigency from DOC & Fare Start Program.**

Recipients of public assistance are presumed indigent, but may be found able to contribute to the costs of their defense under RCW 10.101.010. *State v. Hecht*, 173 Wash. 2d 92 (2011).

2. Do you work or have a job?  yes  no. If so, take-home pay: \$ \_\_\_\_\_

Occupation:     N/A     Employer's name & phone #: \_\_\_\_\_

3. Do you have a spouse or state registered domestic partner who lives with you?  yes  no

Does she/he work?  yes  no If so, take-home pay: \$ \_\_\_\_\_ N/A \_\_\_\_\_

Employer's name:     N/A    

4. Do you and/or your spouse or state registered domestic partner receive unemployment, Social Security, a pension, or workers' compensation?  yes  no

If so, which one?  I was receiving disability income from social security prior to incarceration \_\_\_\_\_ Amount: \$ \_\_\_\_\_ unknown at this time \_\_\_\_\_

5. Do you receive money from any other source?  yes  no If so, how much? \$     I receive gift cards from Fare Start as outlined in the letter attached from Fare Start.    

6. Do you have children residing with you?  yes  no. If so, how many? \_\_\_\_\_

7. Including yourself, how many people in your household do you support?       I do not have a household, I am in work release.
8. Do you own a home?    yes     X  no. If so, value: \$   N/A   Amount owed: \$
9. Do you own a vehicle(s)?   C  yes    no  . If so, year(s) and model(s) of your vehicle(s):   1998 Jaguar, not running   Amount owed: \$   0
10. How much money do you have in checking/saving account(s)? \$   I don't believe I have any checking accounts that were not confiscated for restitution and then closed due to lack of funds.
11. How much money do you have in stocks, bonds, or other investments? \$   I don't believe I have any stocks, bonds or other investments that were not confiscated for restitution and then closed due to lack of funds. I am not currently aware of any.
12. How much are your routine living expenses (rent, food, utilities, transportation) \$   I do not know. I am being charged \$13.50 a day at the work release house but will have to leave there on November 28, 2016. I am looking into transitional housing, shelter housing and low income places, but have not been accepted at any, as of yet. I do not have a permanent address.
13. Other than routine living expenses such as rent, utilities, food, etc., do you have other expenses such as child support payments, court-ordered fines or medical bills, etc.? If so, describe:   I have on-going medical needs, thyroid function issues, concussive syndrome issues, PTSD, and other cognitive and memory impairment issues that need to be dealt with once I have some kind of regular medical attention. All of these issues were totally ignored by the Department of Corrections and all of my medications were taken away from me at the time I entered Washington Correction Center for Women. Although I came with my disability paperwork from Social Security my disability was not acknowledged, recognized or treated while I was incarcerated at WCCW. I repeatedly brought this up to the Medical administration, and even in my last months there I was receiving back kites from this administration that asked me "what is your disability!" It was atrocious the medical treatment of incarcerated persons at Purdy and the State should be ashamed of itself for the way people are **NOT** treated and left to suffer while incarcerated, or worse, retaliated against so they will not seek further treatment because of what happens when you do request necessary medical care. It is inhumane and truly significant departure from a truly civilized society.
14. Do you have money available to hire a private attorney?    yes     X  no



FILED  
COURT OF APPEALS DIV 1  
STATE OF WASHINGTON  
2016 OCT -3 AM 10:55

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	
	)	No. 73149-1-I
Respondent,	)	
	)	DIVISION ONE
v.	)	
	)	
ROSEMARY HARRIET KAMB,	)	UNPUBLISHED OPINION
	)	
Appellant.	)	FILED: October 3, 2016
_____)		

BECKER, J. — Former attorney Rosemary Kamb pleaded guilty to first degree theft from a trust she administered as trustee. She appeals the court's restitution award, arguing that she was entitled to an offset for trustee services and that certain checks should not have been included in the restitution amount. Because the court did not abuse its discretion in denying an offset but erroneously included several checks in the restitution amount, we affirm in part and remand in part.

Beginning in 1998, Kamb served as the trustee of the Paul Keating Trust. Following Mr. Keating's death in August 2010, Mount Vernon police received information indicating Kamb had misappropriated some \$200,000 from the Keating trust. Based on those allegations, the State charged her with first degree theft.

Kamb entered an Alford<sup>1</sup> guilty plea and stipulated to an aggravating circumstance—i.e., using her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the theft—for sentencing purposes. The court imposed an exceptional sentence of 30 months' confinement. Following a hearing, the court ordered Kamb to pay restitution in the amount of \$25,000.00 to Dorothy Knott and \$204,909.25 to Woodland Park Zoo. Kamb appeals the restitution award.

We review a trial court's decision to impose restitution and the amount of that restitution for abuse of discretion. State v. Woods, 90 Wn. App. 904, 906, 953 P.2d 834, review denied, 136 Wn.2d 1021 (1998). The loss amount need not be established with specific accuracy, but it must be supported by substantial credible evidence. State v. Griffith, 164 Wn.2d 960, 965, 195 P.3d 506 (2008). The trial court must have a reasonable basis for determining the estimated loss, and its determination must not be based on mere speculation or conjecture. Griffith, 164 Wn.2d at 965. When, as here, the defendant disputes the restitution amount, the State must prove the amount by a preponderance of the evidence. Griffith, 164 Wn.2d at 965.

Kamb first contends the court abused its discretion in awarding restitution without determining and offsetting her reasonable compensation for trustee services. We disagree.

---

<sup>1</sup> North Carolina v. Alford, 400 U.S. 25, 91 S. Ct. 160, 27 L. Ed. 2d 162 (1970).

Whether to offset a restitution award is a matter within the trial court's discretion. Cf. State v. Shannahan, 69 Wn. App. 512, 519-20, 849 P.2d 1239 (1993). The restitution statutes are "intended to ensure that defendants fulfill their responsibility to compensate victims for losses resulting from their crimes." State v. Gonzalez, 168 Wn.2d 256, 265, 226 P.3d 131, cert. denied, 562 U.S. 928 (2010). They expressly do not "limit civil remedies . . . available to the victim, survivors of the victim, *or offender*." RCW 9.94A.753(9) (emphasis added). And they allow judges "considerable discretion" to impose restitution "up to double the offender's gain or the victim's loss." State v. Kinneman, 155 Wn.2d 272, 282, 119 P.3d 350 (2005) (restitution statute "does not say that the restitution ordered must be equivalent to the injury, damage or loss, either as a minimum or a maximum, nor does it contain a set maximum that applies to restitution").

Here, the State sought \$229,909.25 in restitution. The prosecutor argued that while the amount did not "account for trustee fees," Kamb was "not entitled to any trustee fees having looted the accounts." Kamb stipulated to \$48,000.00 in restitution but disputed the rest. Her counsel argued, among other things, that Kamb was entitled to fees for her trust work and that the State failed to prove she intended to deprive the trust of any more than \$48,000.00. The court sided with the State, ruling in part:

in terms of restitution, . . . I don't believe that there is any showing or I don't believe that Ms. Kamb has made any showing that she was entitled to any payment, whatsoever, for her services in managing this trust *because it was clear mismanagement and misdirection of funds*.

If she believes that she is entitled to any reimbursement for her services, then she can maintain an action against the trust. But I don't believe she has showed any demonstration that she is

entitled to anything. I believe the amount established by the State is the appropriate amount. . . .

. . . .  
. . . . *the State has met its burden in establishing those [restitution amounts] by a sufficient weight of the evidence.* I think it very clearly established and easily ascertained based on the hours and hours of testimony we had.

(Emphasis added.)

Thus, the court declined an offset because of Kamb's "clear mismanagement and misdirection of funds" and because Kamb has civil remedies. These were tenable reasons for denying an offset. As the State points out, any action Kamb took on behalf of the trust, whether proper or improper, could reasonably be viewed as part of an effort to maintain control of the trust and further her overall criminal enterprise, not to benefit the trust. The court did not abuse its broad discretion in ordering restitution without an offset.

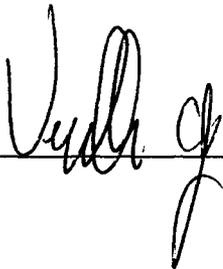
Kamb next contends that four trust checks were wrongly included in the restitution amount. The State concedes that two checks to Skagit Valley Medical Center and Skagit Valley Hospital for \$38.10 and \$93.57 respectively were wrongly included in the restitution amount. We accept the State's concession. Because the award of \$204,909.25 in restitution to Woodland Park Zoo was based on calculations that included those checks, we remand for the court to reduce the restitution amount by the amount of the checks.

The State argues, however, that the other two checks challenged by Kamb—one to "Josephine White" for "caregiving" and one to "Cash"—were properly included in the restitution amount. The State points out, and we concur,

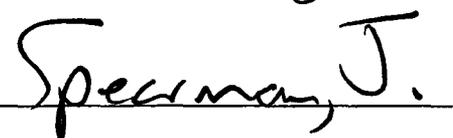
that Kamb's claims regarding the check to "Cash" overlook contrary expert testimony supporting the check's inclusion in the restitution amount.

As for the check to Josephine White, Kamb contends the State failed to demonstrate by a preponderance of the evidence that the check was not legitimate. She notes that the check was endorsed by White and contends the State introduced no evidence demonstrating its illegitimacy. But the State's expert testified that she included expenditures in the restitution amount when she could find no reasonable explanation for the expenditure. She said she googled the names of unknown payees to determine whether the checks were legitimate. She also examined the trust's records. Accordingly, her testimony that she had no idea who Josephine White was supports an inference that she found no invoice or other information in the trust's records or elsewhere supporting the payment to White. The State carried its burden of proving, by a preponderance of the evidence, that the payment to White was not legitimate.

Affirmed in part and remanded in part for reduction of the restitution award.



A handwritten signature in cursive script, appearing to be "V. J.", written over a horizontal line.



Two handwritten signatures in cursive script, "Becker, J." and "Spearman, J.", each written over a horizontal line.