

1 MR. GOSS: David Volden.

2 THE DEFENDANT: Donald.

3 MR. GOSS: Donald.

4 THE COURT: Which case are you on?

5 MR. GOSS: Donald Volden, Your Honor.

6 THE COURT: Volden? Here we are. All right.

7 Do you have a notice of appearance?

8 MR. GOSS: Your Honor, I gave one to, for the
9 record, I gave one to the prosecutor, and I'm handing the
10 original to the clerk now.

11 THE COURT: Thank you.

12 And are you Donald, excuse me, David Volden?

13 THE DEFENDANT: Donald. It's Donald Volden.

14 THE COURT: Oh. I see.

15 MR. GOSS: Your Honor, I made a mistake.

16 THE COURT: I'm just looking at the notice of
17 appearance. So the notice of appearance should say
18 "Donald."

19 And, indeed, you are Donald Volden, correct?

20 THE DEFENDANT: Yes, sir -- Yes, ma'am.

21 THE COURT: I think we have that squared away
22 here.

23 I'm handing forward a copy of the Information. First
24 of all, how old are you, Mr. Volden?

25 THE DEFENDANT: Forty-one.

1 THE COURT: Are you able to read and write the
2 English language?

3 THE DEFENDANT: Yes.

4 THE COURT: You are charged with, Count I,
5 possession of a controlled substance, methamphetamine.
6 The State alleges on or about September 20th of 2006, in
7 Kitsap County, Washington, that you did possess a
8 controlled substance, to wit, methamphetamine, including
9 its salts, isomers, and salts of isomers, contrary to
10 state law. The maximum penalty is five years in prison
11 and/or a fine of not less than 1,000 nor more than 10,000
12 pursuant to the statute. If you have a second or
13 subsequent conviction under the drug laws of this state,
14 the minimum fine is 2,000.

15 Do you understand that?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Did you earlier go over the advice
18 of rights?

19 THE DEFENDANT: Yes.

20 THE COURT: Did you understand it?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Any questions about that?

23 THE DEFENDANT: No.

24 THE COURT: I would ask that you please sign
25 that indicating your receipt and acknowledging your

1 understanding of that.

2 So Mr. Goss is your attorney.

3 So far as probable cause, I will review.

4 I have reviewed the probable cause. There is
5 probable cause.

6 Are you prepared to enter a plea of guilty or not
7 guilty?

8 THE DEFENDANT: Not guilty, Your Honor.

9 THE COURT: A not guilty plea is entered.

10 Are there any conditions being requested today?

11 MR. SALAS: Your Honor, I was just in the
12 process of reading through what appears to be a rather
13 extensive criminal history. I find some 13 to 15 FTAs.
14 There appears to be a number of driving offenses for DUI.
15 Bail was administratively set and posted in the amount of
16 16,000. The State is requesting that bail be set in the
17 amount of 25,000, Your Honor.

18 THE COURT: How recent were the FTAs?

19 MR. SALAS: Well, they span -- The most recent
20 was 2002, Your Honor, I believe.

21 THE COURT: And what is the criminal history, if
22 you have it there, please?

23 MR. SALAS: There's numerous felony controlled
24 substances violations, 2000, 2003, 2004, a DUI in '93 and
25 '97. Possibly the '97 was dismissed. The '93 was

1 knocked down to a neg one it appears. Mostly DUI and
2 controlled violations, but a continual pattern with
3 regard to the driving, Your Honor.

4 THE COURT: Mr. Goss.

5 MR. GOSS: Your Honor, he did post the bail at
6 \$16,000. He's appearing before the Court. He has
7 retained an attorney to represent him in this matter. I
8 think that at this point he has shown the Court the
9 willingness to abide by its conditions of release. And I
10 would ask that the \$16,000 bail remain in place and that
11 he be released.

12 THE COURT: At this time, I'm going to keep the
13 16,000 in place. I'm not increasing that at this point.
14 However, Mr. Volden, I want to impress upon you that you
15 must come to court as required, and if you don't, first,
16 there is the very real possibility that a warrant would
17 issue for your arrest; second of all, I'm sure your
18 attorney will advise you what the possible consequences
19 are from the prosecutor's office if you do not come to
20 court.

21 THE DEFENDANT: Okay.

22 THE COURT: So it's a serious matter. Do you
23 understand?

24 THE DEFENDANT: I do. I do.

25 THE COURT: So the 16,000 will remain in effect.

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You are not to possess any dangerous weapons, including any firearm; you are not to drink or possess intoxicating liquor; you are not to go anyplace where alcohol is the chief item of sale; you are not to use or possess any drugs other than those prescribed by a physician; you must not commit any crimes.

Your next court date is scheduled for October 25th at 1:30, and your trial date is December 11th of '06.

Do you have any questions concerning those conditions?

THE DEFENDANT: No, ma'am.

THE COURT: I would ask that you please sign the order for pretrial release.

MR. GOSS: Thank you, Your Honor.

THE COURT: Thank you.

THE DEFENDANT: Thank you.

(Hearing adjourned.)

