

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)	
)	
Plaintiff,)	No. 18-C-00605-4 SEA
)	
vs.)	JUDGMENT AND SENTENCE
)	FELONY (FJS)
SANDOVAL CONSTRUCTION,)	
)	
Defendant.)	
)	

I. HEARING

I.1 The defendant, the defendant's lawyer, James Johnson, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: Alexandria Sandoval

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 7/11/2018
by Plea of:
count 1 - theft in the First Degree
Date of crime 12/1/2015- 12/20/2016

Additional current offenses are attached in **Appendix A**

SPECIAL VERDICT or FINDING(S):

- (a) While armed with a **firearm** in count(s) _____ RCW 9.94A.533(3).
- (b) While armed with a **deadly weapon** other than a firearm in count(s) _____ RCW 9.94A.533(4).
- (c) With a **sexual motivation** in count(s) _____ RCW 9.94A.835.
- (d) A V.U.C.S.A offense committed in a **protected zone** in count(s) _____ RCW 69.50.435.
- (e) **Vehicular homicide** Violent traffic offense DUI Reckless Disregard.
- (f) **Vehicular homicide** by DUI with _____ prior conviction(s) for offense(s) defined in RCW 46.61.5055, RCW 9.94A.533(7).
- (g) **Non-parental kidnapping** or unlawful imprisonment with a minor victim. RCW 9A.44.128, .130.
- (h) **Domestic violence – intimate partner** as defined in RCW 9A.36.041(4) and RCW 10.99.020 was pled and proved for count(s) _____.
- (i) **Domestic violence (other)** as defined in RCW 10.99.020 was pled and proved for count(s) _____.
- (j) Current offenses **encompassing the same criminal conduct** in this cause are count(s) _____ RCW 9.94A.589(1)(a).
- (k) **Aggravating circumstances** as to count(s) _____: _____

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

2.3 **CRIMINAL HISTORY:** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.525):

- Criminal history is attached in **Appendix B**.
- One point added for offense(s) committed while under community placement for count(s) _____

2.4 **SENTENCING DATA:**

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
						#10000

Additional current offense sentencing data is attached in **Appendix C**.

Fine

2.5 **EXCEPTIONAL SENTENCE**

- Findings of Fact and Conclusions of Law as to sentence above the standard range:
Finding of Fact: The jury found or the defendant stipulated to aggravating circumstances as to Count(s) _____
Conclusion of Law: These aggravating circumstances constitute substantial and compelling reasons that justify a sentence above the standard range for Count(s) _____. The court would impose the same sentence on the basis of any one of the aggravating circumstances.
 - An exceptional sentence above the standard range is imposed pursuant to RCW 9.94A.535(2) (including free crimes or the stipulation of the defendant). Findings of Fact and Conclusions of Law are attached in Appendix D.
 - An exceptional sentence below the standard range is imposed. Findings of Fact and Conclusions of Law are attached in Appendix D.
- The State did did not recommend a similar sentence (RCW 9.94A.480(4)).

III. JUDGMENT

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

The Court **DISMISSES** Count(s) _____.

IV. ORDER

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

[] This offense is a felony firearm offense (defined in RCW 9.41.010; includes any felony committed while armed with a firearm, unlawful possession of a firearm, theft of a firearm, and possession of a stolen firearm). Registration is required because this offense or an offense committed in conjunction with this offense: involved sexual motivation; was committed against a child under 18; or was a serious violent offense. As mandated by RCW 9.41.330(3), the Court requires that the defendant register as a firearm offender, in compliance with RCW 9.41.333. The registration requirements are explained in the attached Appendix L.

[] This offense is a felony firearm offense (defined in RCW 9.41.010; includes any felony committed while armed with a firearm, unlawful possession of a firearm, theft of a firearm, and possession of a stolen firearm) but does not fall within a category mandating registration. Having considered relevant factors, including criminal history, propensity for violence endangering persons, and any prior NGRI findings, the Court orders that the defendant register as a firearm offender, in compliance with RCW 9.41.333. The registration requirements are explained in the attached Appendix L.

4.1 RESTITUTION, VICTIM ASSESSMENT, AND DNA FEE:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(5), sets forth those circumstances in attached Appendix E.
[X] Restitution to be determined at future restitution hearing on (Date) at m.
[X] Date to be set.
Defendant waives right to be present at future restitution hearing(s).
Restitution is not ordered.

Defendant shall pay Victim Penalty Assessment in the amount of \$500 (RCW 7.68.035 - mandatory).
Defendant shall pay DNA collection fee in the amount of \$100 (RCW 43.43.7541 - mandatory unless the state has previously collected DNA as a result of a prior conviction).

4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. Defendant shall pay the following to the Clerk of this Court:

- (a) [X] \$ 200, Court costs (RCW 10.01.160), defendant is not indigent; [] Court costs are waived;
(b) [] \$, Recoupment for attorney's fees to King County Public Defense Programs (RCW 9.94A.030); [] Recoupment is waived;
(c) [X] \$ 200, Fine; [] \$1,000, Fine for VUCSA [] \$2,000, Fine for subsequent VUCSA (RCW 69.50.430); [] VUCSA fine waived;
(d) [] \$, Other fine/assessment for:

[] Defendant has stipulated to his or her ability to pay legal financial obligations ordered.

4.3 PAYMENT SCHEDULE: The TOTAL FINANCIAL OBLIGATION set in this order is \$ 400 + rest. TBD

Restitution may be added in the future. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: [] Not less than \$ per month;
[X] On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Restitution shall bear interest pursuant to RCW 10.82.090. The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations: for crimes committed before 7/1/2000, for up to ten years from the date of sentence or release from total confinement, whichever is later; for crimes committed on or after 7/1/2000, until the obligation is completely satisfied. Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.

4.4 **CONFINEMENT ONE YEAR OR LESS:** Defendant shall serve a term of confinement as follows, commencing: immediately; (Date): _____ by _____ a.m./p.m.:
____ months/days on count ____; ____ months/days on count ____; ____ months/days on count ____;
____ months/days on count ____; ____ months/days on count ____; ____ months/days on count ____.

This term shall be served:

- in the King County Jail or if applicable under RCW 9.94A.190(3) in the Department of Corrections.
- in King County **Work/Education Release (W/ER)** subject to conditions of conduct ordered this date.
 - Defendant shall report to and participate in Enhanced CCAP if not working while in W/ER.
- in King County **Electronic Home Detention (EHD)** subject to conditions of conduct ordered this date.
 - For **any burglary**, before entering EHD, 21 days must be successfully completed in W/ER.
- ____ days of confinement shall be served in King County **Community Work Program (CWP)** subject to conditions of conduct ordered this date (may be simultaneous with EHD).
 - This term is nine months or more; before entering CWP, defendant must serve a minimum of 30 days of total confinement.

The terms in Count(s) No. _____ are consecutive/ concurrent.

This sentence shall run CONSECUTIVE CONCURRENT to the sentence(s) in cause _____

The sentence(s) herein shall run CONSECUTIVE CONCURRENT to any other term previously imposed and not referenced in this order.

Credit is given for time served in King County Jail or EHD solely for confinement under this cause number pursuant to RCW 9.94A.505(6): ____ day(s) or days determined by the King County Jail.

- Jail term is satisfied; defendant shall be released under this cause.
- Credit is given for days determined by the King County Jail to have been served in the King County Supervised Community Option (Enhanced CCAP) solely under this cause number.
- The court authorizes earned early release credit consistent with the local correctional facility standards for days spent in Enhanced CCAP.

ALTERNATIVE CONVERSION (RCW 9.94A.680): ____ days of confinement are converted to:

- ____ days/ hours **community restitution** (for nonviolent offenses only), to be completed by _____, 20____ under the supervision of the Department of Corrections; or if the defendant is not supervised by DOC, monitored by Helping Hands Program this court.
 - A review hearing is set on _____, 20____, at _____ a.m./ p.m. in this courtroom.
- ____ days in **Enhanced CCAP** (for nonviolent, non-sex offenses only) subject to conditions of conduct ordered this date.
- Alternative conversion was not used because of: criminal history, failure(s) to appear,
 - Other: _____.

4.5 **COMMUNITY CUSTODY** is ordered for a period of 12 months. The defendant shall report to the Department of Corrections within 72 hours of this date or of his/her release if now in custody; shall comply with all the rules, regulations and conditions of the Department for supervision of offenders (RCW 9.94A.704); shall comply with all affirmative acts required to monitor compliance; shall not possess any firearms or ammunition; and shall otherwise comply with terms set forth in this sentence.

Appendix H, Additional Conditions is attached and incorporated.

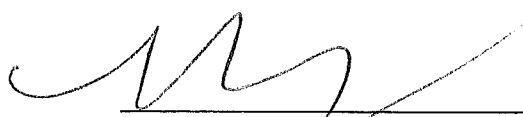
4.6 **NO CONTACT:** For the maximum term of _____ years, defendant shall have no contact with _____

4.7 **DNA TESTING.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing, as ordered in **Appendix G.**

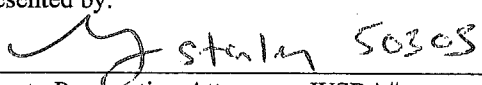
HIV TESTING: For sex offense, prostitution offense, drug offense associated with the use of hypodermic needles, the defendant shall submit to HIV testing as ordered in **Appendix G.**

4.8 **OFF-LIMITS ORDER:** (known drug trafficker) **Appendix I** is an off limits order that is part of and incorporated by reference into this Judgment and Sentence.

Date: 7-27-18

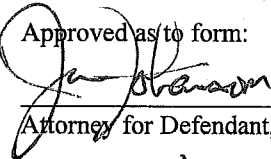


JUDGE
Print Name: Judge Mary E. Roberts

Presented by: 

Deputy Prosecuting Attorney, WSBA#

Print Name: For T. Mihor

Approved as to form: 

Attorney for Defendant, WSBA# 10072

Print Name: Jim Johnson

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

SANDOVAL CONSTRUCTION,

Defendant.

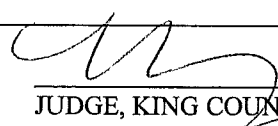
)
)
) No. 18-C-00605-4 SEA
)
) JUDGMENT AND SENTENCE,
) (FELONY) - APPENDIX B,
) CRIMINAL HISTORY
)
)
)

2.2 The defendant has the following criminal history used in calculating the offender score (RCW 9.94A.525):

Crime	Sentencing Date	Adult or Juv. Crime Number	Cause	Location
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[] The following prior convictions were counted as one offense in determining the offender score (RCW 9.94A.525(5)):

Date: 7-27-18



JUDGE, KING COUNTY-SUPERIOR COURT

Judge Mary E. Roberts

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

SANDOVAL CONSTRUCTION,

Defendant.

No. 18-C-00605-4 SEA

NOTICE OF RIGHTS ON APPEAL AND RIGHTS PURSUANT TO RCW 10.73 (NTRA)

I have been advised:

- 1. That I have the right to appeal my conviction;
2. That I have the right to appeal my sentence if the sentence imposed is outside the standard range or under certain other circumstances;
3. That unless a notice of appeal is filed within thirty days after the entry of the judgment or order appealed from, the right to appeal is irrevocably waived;
4. That the Superior Court clerk will, if requested, supply a notice of appeal form and file it upon completion by me;
5. That I have the right, if I cannot afford it, to have counsel appointed and to have portions of the trial record necessary for review of assigned errors transcribed at public expense for an appeal;
6. That, pursuant to RCW 10.73.090, I have the right to collaterally attack my conviction within one year after the judgment becomes final;
7. That the time limits for collateral attack do not apply if there is newly discovered evidence if discovered with reasonable diligence, or if the statute is unconstitutional, or if the conviction was barred by the double jeopardy clauses, or if the evidence at trial was insufficient, or if there was a significant change in the law material to the conviction which applies retroactively, or if the sentence was outside the court's jurisdiction, pursuant to RCW 10.73.100.

July 29/18
Date

[Signature]
Defendant

I am fluent in the language. I have translated this document for the defendant into that language. I certify, under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

Date and Place

Interpreter