

# RICHARD HEDAHL - PROFESSING

Richard Hedahl of Bremerton, WA pled guilty and is now convicted of 1 count of Assault in the 3<sup>rd</sup> degree with Sexual motivation for a person under the age of 14.

Please read on for more details:



This is Google's cache of <http://www.kitsapgov.com/sheriff/incustody/jailwebsecond.asp?charges=700047557>. It is a snapshot of the page as it appeared on 23 Sep 2009 12:01:57 GMT. The [current page](#) could have changed in the meantime. [Learn more](#)

These search terms are highlighted: **richard ray hedahl** [Text-only version](#)

## Kitsap County Jail Booking 700047557

**Inmate:** RICHARD RAY HEDAHL  
**Age:** 29  
**Race/Sex:** White/Male  
**Booking Date:** 08/04/2009 07:10 pm

[Jail Visiting Information](#)

Cause Number	Fel/Misd	Charge	Bond Amount	Bond Type
081013209	F	ASSAULT 3		Serving Sentence - No Bail

ORIGINAL

FILED  
KITSAP COUNTY CLERK  
2006 NOV 14 AM 10:25  
DAVID W. PETERSON

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,	)	
	)	No. <b>08 1 01320 9</b>
Plaintiff,	)	INFORMATION
	)	(Total Counts Filed - 1)
v.	)	
	)	
RICHARD RAY HEDAHL,	)	
Age: 28; DOB: 03/10/1980,	)	
	)	
Defendant.	)	

COMES NOW the Plaintiff, STATE OF WASHINGTON, by and through its attorney, KELLIE L. PENDRAS, WSBA NO. 34155, Deputy Prosecuting Attorney, and hereby alleges that contrary to the form, force and effect of the ordinances and/or statutes in such cases made and provided, and against the peace and dignity of the STATE OF WASHINGTON, the above-named Defendant did commit the following offense(s)-

**Count 1**  
**Child Molestation in the Second Degree**

On or between June 1, 2003 and August 30, 2003, in the County of Kitsap, State of Washington, the above-named Defendant, being at least thirty-six (36) months older than the victim, had sexual contact with another person who was at least twelve (12) years old but less than fourteen (14) years old and not married to the Defendant, to-wit: SRM, 04/23/1991, contrary to the Revised Code of Washington 9A.44.086.  
(MAXIMUM PENALTY-Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.44.086(2) and 9A.20.021(1)(b), plus restitution and assessments.)

CHARGING DOCUMENT, Page 1 of 3



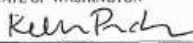
Russell D. Haug, Prosecuting Attorney  
Special Assault Unit  
614 Division Street, MS-35  
Port Orchard, WA 98365-4681  
(360) 337-7148; Fax (360) 337-7229  
www.kitsapgov.com/pros

1 (If the Defendant has previously been convicted on two separate occasions of a "most serious  
2 offense" as defined by RCW 9.94A.030(28), in this state, in federal court, or elsewhere, the  
3 mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant  
4 to RCW 9.94A.030(32) and 9.94A.570.)

4 JIS Code: 9A.44.086 Child Molestation 2

5  
6 I certify (or declare) under penalty of perjury under the laws of the State of Washington  
7 that I have probable cause to believe that the above-named Defendant committed the above  
8 offense(s), and that the foregoing is true and correct to the best of my knowledge, information and  
9 belief.

10 DATED: November 6, 2008  
11 PLACE: Port Orchard, WA

STATE OF WASHINGTON  
  
KELLIE L. PENDRAS, WSBA NO. 34155  
Deputy Prosecuting Attorney

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14 All suspects associated with this incident are—  
15 Richard Ray Hedahl  
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1 **DEFENDANT IDENTIFICATION INFORMATION**

2 RICHARD RAY HEDAHL Alias Name(s), Date(s) of Birth, and SS Number  
3 1735 Ne Joanne Lane [PERSON ALIAS DOB SSN]  
4 Bremerton, Wa 98311

5 [Address source-(1) Kitsap County Jail records if Defendant in custody, or law enforcement report noted below if Defendant not in  
6 custody, or (2) Washington Department of Licensing abstract of driving record if no other address information available]

7 Race: [Race description] Sex: Male DOB: 03/10/1980 Age: 28  
8 D/L: [REDACTED] D/L State: Washington SID: [s.i.d. number] Height: 508  
9 Weight: 185 JUVIS: Unknown Eyes: Brown Hair: [hair color  
10 description]  
11 DOC: Unknown FBI: [fbi number]

12 **LAW ENFORCEMENT INFORMATION**

13 Incident Location: [REDACTED], WA [Incident Address Zip]

14 Law Enforcement Report No.: 2008SO007089

15 Law Enforcement Filing Officer: Jennifer Nmi Rice, 123

16 Law Enforcement Agency: Kitsap County Sheriff's Office - WA0180000

17 Court: Kitsap County Superior Court, WA018015J

18 Motor Vehicle Involved? No

19 Domestic Violence Charge(s)? No

20 Law Enforcement Bail Amount? [Bail]

21 **CLERK ACTION REQUIRED**

22 Summons

23 **PROSECUTOR DISTRIBUTION INFORMATION**

24 Superior Court	District & Municipal Court
25 Original Charging Document- Original +3 copies to Clerk 1 copy to file	Original Charging Document- Original +2 copies to Clerk 1 copy to file
26 Amended Charging Document(s)- Original +3 copies to Clerk 1 copy to file	27 Amended Charging Document(s)- Original +2 copies clipped inside file on top of left side 1 copy to file

28 Prosecutor's File Number-08-186653-1

29 CHARGING DOCUMENT; Page 3 of 3



30 Russell D. Hauge, Prosecuting Attorney  
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RECEIVED AND FILED  
 IN OPEN COURT  
 JUN 08 2009  
 DAVID W. PETERSON  
 KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON, )  
 ) No. 08-1-01320-9  
 Plaintiff, )  
 ) PLEA AGREEMENT  
 v. )  
 )  
 RICHARD RAY HEDAHL, )  
 Age: 29; DOB: 03/10/1980, )  
 )  
 Defendant. - )

The State and the Defendant enter into this Plea Agreement, consistent with the interests of justice. The State may withdraw this plea agreement at any time prior to the court's acceptance of a plea of guilty. Unless otherwise agreed, this plea offer expires on 6-8-09. All prior offers, whether oral or written, are hereby withdrawn.

1. CURRENT OFFENSE(S) <small>Article 17 defines some criminal conduct (RCW 9A.02.020)</small>	RCW	Date(s) of Crime <small>From To</small>		Special Allegations*
1 Assault in the Third Degree	9A.06.031	06/01/2003	12/31/2004	
1 Sexual Motivation	9.94A.030			

2. CRIMINAL HISTORY (RCW 9.94A.525) <small>Article 17 defines prior convictions that were same criminal conduct.</small>	Date of Crime	Date of Sentence	Sentencing Court	Juv (x)
No known criminal history				

3. SENTENCING DATA										
Count	Offender Score	Seriousness Level	Standard Range	Days (x)	Mo. (x)	Special Allegations Type*	Mo.	Total Standard Range (Mo.)	Maximum Term	
1	0	-III	1 to 3	-	X				5 years	

Defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.

\*SPECIAL ALLEGATION KEY (RCWs)- F=Firearm (9.94A.533), DW=Deadly Weapon (9.94A.602,533);

PLEA AGREEMENT; Page 1



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1 DV=Domestic Violence (10.99.020); SZ=School Zone (69.50.435.533); SM=Sexual Motivation (9.94A.835 and/or  
2 9.94A.533); VH=Vehicular Homicide Prior DUI (46.61.520,5055); CF drug crime at Corrections Facility  
3 (9.94A.533); JP=Juvenile Present at manufacture (9.94A.533,605); P=Perjury (Laws of 2006, ch. 122, §1);  
4 <15=Victim Under 15 (Laws of 2006, ch. 122§2); DD=Victim is developmentally disabled, mentally disordered, or a  
5 frail elder or vulnerable adult (Laws of 2006 ch 122 §3).

6 **NO FURTHER CHARGES**—The State agrees to file no further charges or sentence enhancements  
7 for this incident that are in the exclusive jurisdiction of Kitsap County based on the discovery  
8 issued by the State for this cause number, including but not limited to the following uncharged  
9 offense(s): 5 counts of child molestation.

10 **NOTICE**—Any RCW 69.50 felony offense with a firearm or deadly weapon special verdict is a  
11 Level III offense (e.g. 0 to 6 month range converts to 51 to 60 month range). RCW 9.94A.518.

12 **FACTS OF HIGHER/MORE SERIOUS AND/OR ADDITIONAL CRIMES (RCW 9.94A.530)**—The  
13 parties stipulate that the sentencing court may consider the discovery and/or certification(s) for  
14 probable cause as the material facts.

15 **SENTENCING RECOMMENDATIONS AND AGREEMENTS**

16  **3 months** to be served in the Kitsap County Corrections Center (term 365 days or less) or the Department of  
17 Corrections (term more than 365 days and/or RCW 9.94A.712).

18 **RCW 9.94A.712 Applies:** The sentence for Count(s) \_\_\_\_\_ is a range of confinement with a minimum term to  
19 be ordered by the court and a maximum term equal to the maximum statutory sentence term for that count (see  
20 Sentencing Data table above).

21 Any sentence within the standard range.

22 No objection to **Jail Alternatives/Partial Confinement** if available and defendant is found eligible at the  
23 discretion of the Kitsap County Jail (may include electronic home monitoring, supervised community service,  
24 work crew and work release).

25  **Straight Time-Confinement to be served in the Kitsap County Jail.**

26 **Joint Agreement** The sentence recommendation above is a joint agreement between the defendant and the State.  
27 Failure to abide by this agreement will constitute a breach of the plea agreement.

28  **Credit for Time Served**—The Defendant shall receive credit for any time served prior to sentencing solely for this  
29 cause number as computed by the jail, unless specifically set forth \_\_\_\_\_ days.

30  **Community Custody**—The State will recommend supervision and crime-related conditions to be ordered by the  
31 Court and DOC for the term checked below. If a PSI is conducted, the State may also recommend conditions  
listed in the PSI report.

- 12 months     24 months for jail sentence.     24 months Supervised Probation for Gross Misdemeanor.
- 24 to 48 months for Serious Violent Offense(s).     18 to 36 months for Violent Offense(s).
- Duration required by law for SSOSA Sentence.     9 to 18 months for Crimes Against Persons
- 36 to 48 months for Sex Offense(s) (non-SSOSA, non-RCW 9.94A.712)
- Duration required per RCW 9.94A.712: Release from total confinement until expiration of maximum term  
(see data table).

32 **Special Sex Offender Sentencing Alternative (SSOSA)**—The State will consider whether it will object to a  
33 sentence pursuant to RCW 9.94A.670, with all applicable conditions, after reviewing (a) a psychosexual  
34 evaluation of the Defendant conducted by an evaluator acceptable to the State and (b) the PSI. Examination shall  
35 include polygraph and plethysmography testing and a proposed treatment plan. If the Court approves SSOSA,  
36 the State will recommend the high end of the standard sentencing range be imposed with all but up to  6 months  
37  12 months suspended for the duration of jurisdiction.

38 **Domestic Violence Perpetrators Program**—The Defendant agrees to successfully complete a certified domestic  
39 violence perpetrators treatment program, pursuant to RCW 9.94A.505(1).



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**SENTENCING RECOMMENDATIONS AND AGREEMENTS**

X **Forfeiture Agreement**-The Defendant agrees to forfeit all seized property referenced in the discovery to the originating law enforcement agency unless otherwise stated.

**Agreed Exceptional Sentence** The Parties stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, that they will recommend the following exceptional sentence provisions, and that a factual basis exists for this exceptional sentence, predicated upon *In re Broadlove*, 138 Wn.2d 298 (1999) and *State v. Hilyard*, 63 Wn.App. 413 (1991), review denied, 118 Wn.2d 1025 (1992), RCW 9.94A.421(3) and RCW 9.94A.535.

X **Plea to Lesser Uncommitted Crime**-The Defendant admits that the State has sufficient evidence to convince a jury that he or she committed the offense(s) of 5 counts of child molestation. The Defendant wishes to plead guilty to the lesser, related offense(s) listed above in the "Current Offenses" to avoid greater punishment. The Defendant understands that the court will accept the guilty plea if it finds that a factual basis exists for the greater charge(s), pursuant to *In re Barr*, 102 Wn.2d 265 (1984).

**Cooperation Agreement**- The Defendant agrees: (1) to fully cooperate with law enforcement in the investigation of co-participants; (2) to honor all subpoenas and testify fully and truthfully at any hearings regarding this incident despite any privileges the Defendant believes the Defendant may possess; (3) to be sentenced on a date selected by the State; and, (4) that in the event of rescission of the Defendant's guilty plea in this action for any reason, the Defendant affirmatively waives any privileges contained in Evidence Rule 410 to the extent that ER 410 would bar admission of the Defendant's testimony given in any judicial proceeding related to this incident.

In addition, [check one of the following]:  
 The Defendant agrees that his or her statements provided to law enforcement and described in discovery are truthful and accurate and a deviation from those facts in future testimony would be a breach of the plea agreement.  
 The Defendant agrees to provide the State with a written summary of expected testimony that is truthful and accurate and will be the basis of the cooperation agreement, and to provide this summary to the State before the entry of a guilty plea, subject to ER 410.

**Juvenile Declination** The Defendant understands that he or she has a right to appeal the juvenile court's decision to transfer this case to adult court. As part of this plea agreement, the Defendant knowingly, intelligently, and voluntarily waives the right to appeal the juvenile court's decline decision.

X **Other Agreement** SAPO with SRM and KMM

**FINANCIAL OBLIGATIONS**

The Defendant agrees to pay costs for this action (RCW 9.94A.760, 9.94A.030(27), 10.01.160, 10.46.190), including restitution for the charged crimes and the costs set out in the table below. Witness fees, sheriff service/subpoena fees, and additional court costs will be ordered when ascertainable. The Defendant agrees to waive his or her presence at any restitution hearings in this action.

*Note- Restitution may be ordered for double the amount of the victim's loss.*

X \$500 Victim Assessment, RCW 7.68.035 [PCV]	\$ Sheriff service/sub. fees [SFR/SFS/SFW/SRF]
<del>X \$139 Court-appointed attorney fees [PHB]</del>	\$ Witness Costs [WFR]
X \$200 Filing Fee; \$110 if filed before 7/24/2005 [FRC]	\$ Jury Demand fee [JFR]
X \$100 DNA / Biological Sample Fee, RCW 43.43.754	\$ Court-appointed defense fees/other defense costs
<input type="checkbox"/> \$1,000 <input type="checkbox"/> \$2,000 Contribution to SIU	X \$100 Contribution-Kitsap County Expert Witness Fund [Kitsap County Ordinance 139.1991]
\$100 Crime Lab fee, RCW 43.43.690(1)	X \$500 Contribution-Kitsap Co. Special Assault Unit
\$ Psychosocial Evaluation Costs,	\$100 Contribution-Anti-Profitting Fund of Kitsap



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1	to be determined.	Co. Prosecuting Attorney's Office, RCW 9A.82.110
2	Emergency Response Costs - DUI, Vch. Homicide or Vch. Assault, RCW 38.52.430, per separate order.	X \$100 Domestic Violence Assessment, RCW 10.99.080 <input type="checkbox"/> Kitsap Co. YWCA <input type="checkbox"/> Kitsap Sexual Assault Ctr.

3 **Payment Incentive:** If the Defendant makes timely payment on his/her legal financial obligations,  
4 the Defendant may avoid assessment of a 50% collection penalty and a 12% annual interest rate.

5 **RESTITUTION FOR UNCHARGED CRIMES**

6 The Defendant agrees to pay restitution to victims of uncharged crimes contained in the discovery  
7 or as otherwise stated.

8 **DEFENDANT UNDERSTANDS BY SIGNING THIS AGREEMENT-**

- 9 1. The Defendant hereby declares, under penalty of perjury as provided by RCW 9A.72.020 or  
10 030, that the criminal history listed in this agreement is true, correct and complete, that the  
11 Defendant has no additional criminal convictions or adjudications that would count toward  
12 the offender score, and that the Defendant's community custody/placement status at the time  
13 of the current offense(s) is correctly noted herein.
- 14 2. The Defendant understands and agrees to the following:
  - 15 a. The Defendant agrees that any attempt to withdraw the Defendant's guilty plea(s), or any  
16 attempt to appeal or collaterally attack any conviction or agreed sentence entered under  
17 this cause number will constitute a breach of this agreement.
  - 18 b. The Defendant agrees that any violation of any cooperation agreement associated with  
19 this plea agreement will constitute a breach of this agreement.
  - 20 c. The Defendant agrees that any misstatement of his or her criminal history will constitute  
21 a breach of this agreement.
  - 22 d. The Defendant agrees that it will constitute a breach of this agreement if he or she  
23 commits any new crimes after acceptance of this agreement but before the time of  
24 sentencing or before the time the Defendant presents himself or herself to the jail or  
25 correctional facility to commence actual service of his or her sentence as ordered by the  
26 court.
  - 27 e. The Defendant agrees that if he or she violates any condition of release pending  
28 sentencing or fails to appear for sentencing, it will constitute a breach of this agreement.
  - 29 f. The Defendant agrees that it will constitute a breach of this agreement if he or she fails to  
30 report to the jail or correctional facility after sentencing as required by the court's  
31 commitment order concerning service of sentence or warrant of commitment. Note:  
failure to report to the jail or correctional facility as required by the court is also a crime.  
See RCW 9A.76.170.
  - g. The Defendant either agrees to waive his or her presence at any restitution hearing or  
agrees that he or she will be solely responsible for making arrangements to appear at the  
hearing by telephone. The Defendant further agrees that it will constitute a breach of this  
agreement if he or she: (1) requests the Court or the State to make arrangements for, and  
be responsible for, the Defendant's presence at any restitution hearing; or (2) requests the  
Court to continue any restitution hearing solely for the purpose of permitting the



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Defendant to attend the restitution hearing.

h. The Defendant agrees that upon a finding by the Court that the Defendant has breached any term of this agreement:

- (i) That the State will be released from its obligations under this agreement, but that the Defendant will still be bound by the guilty plea(s); and
- (ii) That the State will be authorized to file any additional charges, any greater offenses based on the same conduct, and/or any statutory enhancements that were not filed or were dismissed as part of this plea agreement, and that neither double jeopardy nor mandatory joinder rules will be cause for dismissal of the new and/or additional charges or enhancements; and
- (iii) That the Defendant may be sentenced anew; and
- (iv) That the State's exercise of any of its rights under this agreement shall not be grounds to vacate any guilty plea, conviction or sentence entered under this cause number.

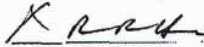
3. The Defendant understands that if the Court orders a pre-sentence investigation (PSI), it will be conducted by a person who is an agent of the Court, not of the State. The PSI writer will have access to all police reports and to this plea agreement, but will not be bound by it.


4. The Defendant understands that if the PSI writer, victim, or other interested party does not agree with the State's sentencing recommendations, it will not be grounds for the Defendant to withdraw from this agreement.


5. The Defendant understands that if the parties agree to an exceptional sentence, the Defendant is waiving the right to have facts supporting such a sentence decided by a jury.

6. The Defendant understand that if the court finds that any one of the charged crimes was a felony and that a motor vehicle was used in the commission of the crime, then the court will direct the clerk to forward an Abstract of Court Record to the Department of Licensing, which, in turn, must revoke the Defendant's driver's license. RCW 46.20.285.

**DEFENDANT'S ACKNOWLEDGEMENT**—I enter into this agreement freely and voluntarily. No one has threatened me or any other person to cause me to enter into this agreement. My attorney has explained the above paragraphs to me and we have fully discussed them. I understand them all, and understand that I waive substantial rights by entering into this agreement.

  
RICHARD RAY HEDALL  
Defendant

  
KEVIN D. HULL, WSBA NO. 23994  
Deputy Prosecuting Attorney  
Plea Agreement Prepared June 4, 2009

  
WSBA No. 22488  
Attorney for Defendant



1 COURT'S APPROVAL-I find that the Defendant knowingly, voluntarily and intelligently  
2 entered into this plea agreement, and the Defendant understands the consequences of the  
3 agreements, recommendations and waivers therein.

4 PLEA AGREEMENT APPROVED this 8 day of June, 2005

5 \_\_\_\_\_  
6 JUDGE

Prosecutor's File Number-08-186653-1

7 Prosecutor Distribution-Original (Court Clerk); 1 copy (Prosecutor); 1 copy (DOC); 1 copy (Defense Atty); 1 copy (Pro. Sert. Recs)

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RECEIVED AND FILED  
IN OPEN COURT

JUN 08 2009

DAVID W. PETERSON  
KITSAP COUNTY CLERK



SUPERIOR COURT OF  
WASHINGTON  
FOR KITSAP COUNTY

STATE OF WASHINGTON,

Plaintiff

vs.

RICHARD HEDAHL

Defendant.

NO. 08-1-01320-9

STATEMENT OF DEFENDANT ON  
PLEA OF GUILTY TO SEX OFFENSE  
(Felony)  
(STTDFG)

1. My true name is: RICHARD RAY HEDAHL
2. My age is: 29 3-10-1980
3. The last level of education I completed was 16 grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
  - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
  - (b) I am charged with: ASSAULT 3<sup>rd</sup> - SEX MOTIVATED  
The elements are: SEE AMENDED INFORMATION

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

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) The right to be presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

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

(a) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

CRIME NO.	OFFENDER RECORD	STANDARD RANGE	ACTUAL CONFINEMENT (not including enhancements)	PLUS Subsentences*	TOTAL CONFINEMENT (standard range including enhancements)	ACTUAL CONFINEMENT	COMMUNITY CUSTODY RANGE (only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph (f))	MAXIMUM TERM AND FINE
1	0	1-3			1-3		12 Months	5 Yrs / \$10000
2								
3								

\* (F) Firearm, (D) other deadly weapon, (SM) Sexual Motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude.

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is set forth in the plea agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.
- (f) (i) For sex offenses committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If the period of confinement is more than one year, the judge will order me to serve three years of community custody or up to the period of earned early release, whichever is longer. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

(ii) For sex offenses committed on or after July 1, 2000 but prior to September 1, 2001: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for a period of 36 to 48 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

(iii) For sex offenses committed on or after September 1, 2001:

(A) Sentencing under RCW 9.94A.712: If this offense is any of the offenses listed in subsections (1) or (2), below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. During the period of community custody I will be under the supervision of the Department of Corrections and I will have restrictions and requirements placed upon me, which may include electronic monitoring, and I may be required to participate in rehabilitative programs.

(aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old.	Rape of a child in the second degree committed when I was at least 18 years old.
Child molestation in the first degree committed when I was at least 18 years old.	Indecent liberties by forcible compulsion
<i>Any of the following offenses with a finding of sexual motivation:</i>	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Assault of a child in the second degree	Burglary in the first degree

(bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	Indecent liberties by forcible compulsion
<i>Any of the following offenses with a finding of sexual motivation:</i>	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Assault of a child in the second degree	Burglary in the first degree

(B) If this offense is a sex offense that is not listed in paragraph 6(f)(iii)(A), then in addition

to sentencing me to a term of confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, or if my crime is failure to register as a sex offender, the judge will sentence me to community custody for a period of 36 to 48 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, which may include electronic monitoring.

(iv) For sex offenses committed on or after March 20, 2006:

For the following offenses and special allegations, the minimum term shall be either the maximum of the standard sentence range for the offense or 25 years, whichever is greater:

<i>Any of the following offenses with a special allegation that the offense was predatory:</i>	
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	
<i>Any of the following offenses with a special allegation that at the time of the offense, the victim was under 15 years of age, or developmentally disabled, or mentally disordered, or a frail elder or vulnerable adult:</i>	
Rape in the first degree	Rape in the second degree
Indecent liberties by forcible compulsion	Kidnapping in the first degree with sexual motivation

**Community Custody Violation:** If I violate the conditions of my community custody, the Department of Corrections may sanction me up to 60 days confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

(g) The prosecuting attorney will make the following recommendation to the judge: \_\_\_\_\_

The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:

- (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.
- (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.
- (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.

- (iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a contested hearing, either the State or I can appeal the sentence.

- (i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- (j) I may not possess, own, or have under my control any firearm unless my right to do so is restored by a superior court in Washington, and by a federal court if required. I must immediately surrender any concealed pistol license. RCW 9.41.040.
- (k) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.
- (l) Public assistance will be suspended during any period of imprisonment.
- (m) I will be required to register where I reside, study or work. The specific registration requirements are described in the "Offender Registration" Attachment.
- (n) I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a \$100 DNA collection fee.
- (o) I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

- (p) ~~This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.~~
- ~~In addition, if this offense is any of the offenses or an attempt to commit any of the offenses listed in the following chart, and I have at least one prior conviction for one of these offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole:~~

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	Indecent liberties by forcible compulsion
<i>Any of the following offenses with a finding of sexual motivation:</i>	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Assault of a child in the second degree	Burglary in the first degree

(q) Special Sex Offender Sentencing Alternative (SSOSA)

In addition to other eligibility requirements under RCW 9.94A.670, to be eligible for the special sex offender sentencing alternative, I understand that I must voluntarily and affirmatively admit that I committed all of the elements of the crime(s) to which I am pleading guilty. I make my voluntary and affirmative admission in my statement in paragraph 11.

For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under SSOSA if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

For offenses committed on or after September 1, 2001 but before July 1, 2005: The judge may suspend execution of the standard range term of confinement or the minimum term of confinement under SSOSA if I qualify under RCW 9.94A.670. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6(f)(i), I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater. If the judge suspends execution of minimum term of confinement for a sex offense listed in paragraph 6(f)(i), I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me, which may include electronic monitoring; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

For offenses committed on or after July 1, 2005: The judge may suspend execution of the



standard range term of confinement or the minimum term of confinement under SSOSA if I qualify under RCW 9.94A.670. In deciding whether to impose a SSOSA sentence, the judge is required by law to give great weight to the victim's opinion as to whether I should receive this sentencing option. The victim is not bound by any agreements with the State regarding the sentencing recommendation. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6(f)(i), I will be placed on community custody for the length of the suspended sentence or a range of 36 to 48 months, whichever is greater. If the judge suspends execution of minimum term of confinement for a sex offense listed in paragraph 6(f)(i), I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve in confinement up to one year or the maximum term within the standard range, whichever is less, and I will not be eligible for earned early release under RCW 9.92.151 or RCW 9.94A.728 during this term of confinement, and the judge may order me to serve all or part of this time in partial confinement; I will have to attend at least annually a court hearing on the progress of my treatment, for up to five years, and the court may extend this period in two-year increments up to the total term of community custody; I will be ordered to participate in sex offender treatment, I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training, and must impose the conditions recommended in the proposed treatment plan or identified in an annual review. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence; additionally, the court may order an evaluation regarding the advisability of terminating me from treatment, and I will have to pay for this evaluation.

For offenses committed on or after June 7, 2006:

I will be subject to all of the provisions set forth in the in the previous paragraph pertaining to offenses committed on or after July 1, 2006. Additionally, to be eligible for a SSOSA sentence, I understand that I must, as part of my plea of guilty, voluntarily and affirmatively admit that I committed all of the elements of the crime to which I am pleading guilty. I understand that a SSOSA sentence will not be available to me if I plead guilty to the offense charged under *North Carolina v. Alford* or *State v. Newton*.

- (r) If this is a crime of domestic violence the court may order me to pay a domestic violence assessment of up to \$100. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.
- (s) If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.
- (t) If this offense involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked. If I have a driver's license, I must now surrender it to the judge.
- (u) The crime of \_\_\_\_\_ has a mandatory minimum sentence of at least \_\_\_\_\_ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory

sentence of life imprisonment without the possibility of parole described in paragraph 6(p).

- (v) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts \_\_\_\_\_ and \_\_\_\_\_ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.
- (w) The offense(s) I am pleading guilty to include a deadly weapon, firearm or sexual motivation enhancement. Deadly weapon, firearm or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm or sexual motivation enhancements.
- (x) For crimes committed on or after July 22, 2007: If I am pleading guilty to rape of a child in the first, second or third degree or child molestation in the first, second or third degree, and I engaged, agreed or offered to engage the victim in sexual intercourse or sexual contact for a fee, or if I attempted, solicited another, or conspired to engage, agree or offer to engage the victim in sexual intercourse or sexual contact for a fee, then a one-year enhancement shall be added to the standard sentence range. If I am pleading guilty to more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement.

7. I plead guilty to: count I - ASSAULT 3<sup>rd</sup> - SEX MOTIVATION  
count \_\_\_\_\_  
count \_\_\_\_\_  
in the AMENDED Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

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

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement:

I BELIEVE I AM INNOCENT OF THIS OFFENSE,  
BUT I UNDERSTAND THERE IS A SUBSTANTIAL  
RISK AT TRIAL AND I AM ELECTING TO  
PLEAD GUILTY.

[ ] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

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

[Signature]  
Defendant

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

[Signature]  
Prosecuting Attorney Bar # 23224  
Gull  
Print Name

[Signature]  
Defendant's Lawyer Bar # 22408  
WEAVER  
Print Name

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The interpreter's Declaration is attached.

**Interpreter's Declaration:** I am a certified interpreter or have been found otherwise qualified by the court to interpret in the \_\_\_\_\_ language, which the defendant understands, and I have translated this document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Port Orchard, Washington, on (date) \_\_\_\_\_.

\_\_\_\_\_  
Interpreter

\_\_\_\_\_  
Print Name

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

Dated: 6/8/09

[Signature]  
Judge