

DEC 12 1988

ROBERT V. BLAIR, Clerk
BY MOC
Respectly

SUPERIOR COURT OF WASHINGTON FOR ADAMS COUNTY

177

STATE OF WASHINGTON,)
)
Plaintiff,)
)
vs.)
)
ED COURTNEY,)
)
Defendant.)

NO. 87-1-00011-7

STATEMENT OF DEFENDANT ON PLEA
OF GUILTY

88-1986

1. My true name is Ed Courtney.
2. My age is 53 MASTERS MS & MA
3. I went through the DEGREE grade of school.
4. I have been informed and fully understand that 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. My lawyer's name is Rembert Ryals.
5. I have been informed and fully understand that I am charged with the crime of INDECENT LIBERTIES , that the elements of the crime are: knowingly cause another person who is not his spouse to have sexual contact with him when the other person is less than 14 years of age, that the maximum sentence for which is ten years in jail and a \$20,000.00 fine. In addition, I understand that I may have to pay restitution for the crime to which I enter a guilty plea and for any other uncharged crime for which I have agreed to pay restitution. My restitution is: N/A
_____. The standard sentence range is 12+ to 14 months, based upon my criminal history, which I understand the Prosecutor says to be: NONE.
() criminal history attached as Appendix _____ and

incorporated by reference. I have been given a copy of the information.

() And I further understand that as a First Time Offender, the court may decide not to impose the standard sentence range, and that the court may sentence me to up to NA () days of total confinement and _____ () of community supervision. (If First Offender provision is not applicable, this statement shall be stricken and initialed by the defendant and the Judge).

6. I have been informed and fully understand that:

(a) I have 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) I have the right to remain silent before and during trial and I need not testify against myself.

(c) I have the right to hear and question any witness who testifies against me.

(d) I have the right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me.

(e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty.

(f) I have the right to appeal a determination of guilt after a trial.

(g) If I plead guilty I give up the rights in statements (a) through (f) of this paragraph 6.

7. I plead guilty to the crime of Indecent Liberties (Count II) as charged in the 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. I have been informed and fully understand that the Prosecuting Attorney will make the following recommendations to the Court: That the court order a pre-sentence investigation to be conducted by the Department of Corrections, Community Supervisions Officer; the Prosecuting Attorney will recommend No (0) days in the Adams County Jail, two years community supervision, entry into and successful completion of sexual offender counseling as recommended by David L. Rekwad, M.A. ;M.F.T., certified sex therapist and the payment of victim assessment, court costs and payment of all costs for valuation and treatment. In addition, the Prosecuting Attorney will recommend that the court impose additional conditions of sentence as follows:

1. That the defendant violate no federal or state laws, county or city ordinances;
2. That the defendant be required to submit to a polygraph examination at the discretion of the Community Supervision Officer, if said officer has reason to believe that the defendant has re-offended or violated any terms or conditions of this judgment and sentence.
3. That the defendant have no contact with minor children unless there is another responsible adult present.
4. That the defendant comply with all terms and conditions imposed by the Community Corrections Officer.

12. I have been informed and fully understand that the standard sentencing range is based on the crime charged and my criminal history. Criminal history includes prior convictions,

whether in this state, in federal court or elsewhere. Criminal history also includes convictions or guilty pleas at juvenile court that are felonies and which were committed when I was 15 years of age or older. Juvenile convictions count only if I was less than 23 years of age at the time I committed this present offense. I fully understand that if criminal history, in addition to that listed in paragraph 5 is discovered, both the standard sentence range and the Prosecuting Attorney's recommendations may increase. Even so, I fully understand that my plea of guilty to this charge is binding upon me if accepted by the court and I cannot change my mind if additional criminal history is discovered and the standard sentence range and Prosecuting Attorney's recommendation increases.


13. I have been informed and fully understand that the court does not have to follow anyone's recommendations as to the sentence. I have been fully informed and fully understand that the court must impose a sentence within the standard sentence range unless the court finds substantial and compelling reasons not to do so. If the court goes outside the standard sentence range, either I or the State can appeal that sentence. If the sentence is within the standard sentence range, no one can appeal the sentence. I also understand that the court must sentence to a mandatory minimum term if any.

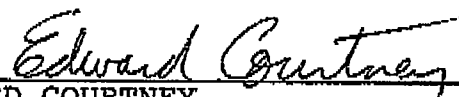
14. I understand that if I am on probation, parole or community supervision, a plea of guilty to the present charge will be sufficient grounds for a judge to revoke my probation or community supervision or for the Parole Board to revoke my parole.


15. I understand that 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.

16. The court has asked me to state briefly in my own words what I did that resulted in my being charged with the crime in the Information. This is my statement: After consulting fully with my attorney, Rembert Ryals, and being advised by my attorney of the nature and extent of the evidence the State intends to present against me, I am convinced that there is sufficient evidence for a jury to find me guilty of two counts of Indecent Liberties. I therefore am pleading guilty to Count II of the Information on file herein to avoid the possibility of being convicted of two counts of Indecent Liberties. I am also pleading guilty based upon the Prosecutor's agreement to make the recommendations at the time of sentencing which are set forth in paragraph 11 herein.

17. I have read or have had read to me and fully understand all of the numbered sections above (1 through 16) and have received a copy of "Statement of Defendant on Plea of Guilty" form. I have no further questions to ask of the court.


RICHARD W. MILLER
ADAMS COUNTY PROSECUTING ATTORNEY


ED COURTNEY


REMBERT RYALS
ATTORNEY FOR DEFENDANT

The foregoing statement was read by or to the defendant and signed by the defendant in the presence of his or her attorney and the undersigned Judge in open court. The court finds the defendant's plea of guilty to be knowingly, intelligently and voluntarily made, that the court has informed the defendant of the nature of the charge and the consequences of the plea, that there is a factual basis for the plea and that the defendant is guilty as charged.

DATED this 12th day of December, 1988.

Barbara Swygert
SUPERIOR COURT JUDGE

DEC 12 1988

ROBERT V. BLAIR, Clerk
BY mes

Deputy
18

SUPERIOR COURT OF WASHINGTON FOR ADAMS COUNTY

STATE OF WASHINGTON,
Plaintiff,

vs.

ED COURTNEY,

Defendant.

)
) NO. 87-1-00011-7
)
) ORDER ACCEPTING GUILTY PLEA AND
) FOR PRE-SENTENCE
) INVESTIGATION
)
) 88 - 1987
)
)
)

This matter having come on for hearing this 12th day of December, 1988, and the defendant being present and being represented by his attorney, Rembert Ryals, and the State of Washington being represented by Richard W. Miller, Adams County Prosecuting Attorney, and the defendant having changed his plea to the Information on file herein from Not Guilty to Guilty on Count II and the State having moved to dismiss Count I and the Court, after having questioned the defendant, having found that his plea was knowingly and intelligently made, freely and voluntarily given,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the defendant ED COURTNEY, is guilty of the crime of INDECENT LIBERTIES as charged in Count II of the Information filed January 23, 1987,

IT IS FURTHER ORDERED that Count I of the Information filed January 23, 1987, be and the same is hereby dismissed.

IT IS FURTHER ORDERED that the Department of Corrections,

Adult Probation and Parole, shall make a pre-sentence investigation and report to the Court before the imposition of sentence on January 13, 1989, at 10:30:00 o'clock a.m.

DATE: Dec 12, 1988

Anderson Sawyer
JUDGE

PRESENTED BY:
ADAMS COUNTY PROSECUTOR
Richard W. Miller
RICHARD W. MILLER

Rembert Rvals
ATTORNEY FOR DEFENDANT

SUPERIOR COURT OF WASHINGTON COUNTY OF ADAMS

STATE OF WASHINGTON,

Plaintiff,

NO. 87 1 00011 7

vs.

JUDGMENT AND SENTENCE
(FELONY)

ED COURTNEY,
SID No.:

Defendant.

89-134

I. HEARING

ADAMS COUNTY
FILED

20

JAN 30 1989

1.1 A sentencing hearing in this case was held: Monday, Jan. 30, 1989
(Date)

1.2 Present were:

Defendant: ED COURTNEY

Defendant's Lawyer: REMBERT RYALS

(Deputy) Prosecuting Attorney: DENNIS W. MORGAN

Other:

89 9 00033 3

ROBERT V. BLAIR, Clerk

BY REY
deputy

1.3 The state has moved for dismissal of Count(s) COUNT I

1.4 Defendant was asked if there was any legal cause why judgment should not be pronounced, and none was shown.

II. FINDINGS

Based on the testimony heard, statements by defendant and/or victims, argument of counsel, the presentence report and case record to date, the court finds:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on 1-12-88 by (plea) (guilty) of:

Count No.: II Crime: INDECENT LIBERTIES

RCW 9A.44.100(1)(b) Crime Code _____

Date of Crime betwn 6-15-85, & 7-15-85 Incident No. _____

Count No.: _____ Crime: _____

RCW _____ Crime Code _____

Date of Crime _____ Incident No. _____

Count No.: _____ Crime: _____

RCW _____ Crime Code _____

Date of Crime _____ Incident No. _____

- Additional current offenses are attached in Appendix A.
- With a special verdict/finding for use of deadly weapon on Count(s):
- Other current convictions listed under different cause numbers used in calculating the offender score arc (list offense and cause number):
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score arc (RCW 9.94A.400(1)):

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

| Crime | Sentencing Date | Adult or Juv. Crime | Date of Crime | Crime Type |
|-------|-----------------|---------------------|---------------|------------|
| NONE | | | | |
| | | | | |
| | | | | |
| | | | | |

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

2.3 SENTENCING DATA:

| | <u>Offender Score</u> | <u>Seriousness Level</u> | <u>Range</u> | <u>Maximum Term</u> |
|---------------------|-----------------------|--------------------------|-----------------------|---------------------|
| Count No. <u>II</u> | <u>0</u> | <u>VI</u> | <u>12+ to 14 mos.</u> | <u>10 years.</u> |
| Count No. _____ | _____ | _____ | _____ | _____ |
| Count No. _____ | _____ | _____ | _____ | _____ |

Additional current offense sentencing data is attached in Appendix C.

2.4 EXCEPTIONAL SENTENCE:

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

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the crime(s) of: INDECENT LIBERTIES (Count II)

IV. ORDER

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

4.1 Defendant shall pay to the Clerk of this Court:

- (a) \$ 90.00, Court costs;
- (b) \$ 70.00, Victim assessment;
- (c) \$ _____, Total amount restitution (with credit for amounts paid by co-defendant(s)) to:

| <u>Name</u> | <u>Address</u> | <u>Amount</u> |
|-------------|----------------|---------------|
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |

The court has not ordered restitution. (See clerk's minutes.)

Schedule of Restitution is attached as Appendix E.

- (d) \$ _____, Recoupment for attorney's fees to _____
- (e) \$ _____, Fine;
- (f) \$ _____, Drug enforcement fund;
- (g) \$ _____, Other costs for:

(h) \$ 160.00, TOTAL monetary obligations.

(i) Payments shall be made to ADAMS County Superior Court according to the rules of the clerk and the following terms: within Two (2) years:

- Not less than \$ _____ per month;
- On a schedule established by the defendant's community corrections officer.

The clerk of the court shall credit monetary payments to the above obligations in the above-listed order and shall forward restitution payments to the persons listed in paragraph 4.1(c).

(j) The defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections pursuant to RCW 9.94A.120(11) for a period up to ten years to assure payment of the above restitution.

4.2 The court DISMISSES Count(s) I

4.3 SPECIAL SEXUAL OFFENDER SENTENCING ALTERNATIVE: The defendant is sentenced as follows pursuant to RCW 9.94A.120(7)(a):

~~12~~ month(s) on Count No. II
_____ month(s) on Count No. _____
_____ month(s) on Count No. _____

The execution of this sentence is **SUSPENDED** and the following conditions are imposed:

(a) **CONFINEMENT:** Defendant shall serve a term of confinement in the _____ County Jail as follows:

- _____ (day(s)) (month(s)) total confinement commencing _____ (Date)
- _____ (day(s)) (month(s)) partial confinement commencing _____ (Date)
- The sentence herein shall run (concurrently) (consecutively) with the sentence in _____ (Count(s) or cause numbers)
- Credit is given for (time) (_____ days) served.

(b) **COMMUNITY SUPERVISION:** Defendant shall serve 24 months of community supervision. Community supervision shall commence (2-7-89) (upon release from confinement) (Date) Defendant shall report to the Department of Corrections at _____ (Address) See the label within 72 hours

of the commencement of community supervision and shall comply with all rules, regulations and requirements of the Department of Corrections and any other conditions of community supervision stated in this Judgment and Sentence.

The defendant's monthly probationer assessment to the Department of Corrections is as follows (RCW 9.94A.270):

- Full payment
- Total exemption
- Partial exemption as follows:

(c) **TREATMENT:** Defendant shall undergo (inpatient) (outpatient) sexual offender treatment for _____ (day(s)) (month(s)) as follows: at Discretion of Dept of Corrections

(d) **COMMUNITY SERVICE:** Defendant shall serve _____ hours of community service under the supervision of the Department of Corrections to be completed as follows:

(e) **OTHER CONDITIONS:**

Additional conditions are attached in Appendix F.

Violations of the conditions or requirements of this sentence are punishable by up to sixty (60) days of confinement for each violation (RCW 9.94A.200(2)).

The following Appendices are attached to this Judgment and Sentence and are incorporated by reference:

- Appendix A, Additional Current Offenses per paragraph 2.1
- Appendix B, Additional Criminal History per paragraph 2.2
- Appendix C, Additional Current Offense(s) Sentencing Data per paragraph 2.3
- Appendix D, Findings of Fact and Conclusions of Law for an Exceptional Sentence per paragraph 2.4
- Appendix E, Schedule of Restitution per paragraph 4.1(c)
- Appendix F, Additional Conditions per paragraph 4.3

Date: January 30, 1989

Presented by:

[Signature]
Deputy Prosecuting Attorney

Approved as to form:

[Signature]
Judge
[Signature]
Lawyer for Defendant

FINGERPRINTS



Right Hand
Fingerprints of:

ED COURTNEY

Dated: Jan. 30, 1989

Attested by: R. V. Blaine

By: _____

CERTIFICATE

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

Dated: _____

Clerk

By: _____

Deputy Clerk

OFFENDER IDENTIFICATION

S.I.D. No. _____

Date of Birth 7-23-35

Sex MALE

Race WHITE

ORI ADAMS COUNTY SHERIFF

OCA _____

OIN _____

DOA _____

JAN 30 1989

ROBERT V. BLAIR, Clerk
BY _____



STATE OF WASHINGTON,

Plaintiff,

vs.

ED COURTNEY

Defendant.

NO.

JUDGMENT AND SENTENCE
(FELONY) - APPENDIX F
ADDITIONAL CONDITIONS OF SENTENCE

4.3 Continued: Additional conditions of sentence are:

1. That the defendant shall violate no federal or state laws nor county or city ordinances.
2. That the defendant become actively engaged in treatment within thirty (30) days of sentencing in a treatment program known to specialize and work with sexual offenders. This treatment program to be one with a good reputation with the legal authorities, i.e., the Department of Corrections, in the area where the defendant will be supervised, namely, Seattle, Washington. That said treating agency is to provide the court with specific details of the treatment plan within sixty (60) days of sentencing.
3. That the defendant is not to leave the State of Washington without the Court's permission.
4. That the defendant shall have no contact whatsoever with any child under the age of eighteen (18) years except in the company of a responsible adult.
5. That the defendant shall be required, at the request of the treating agency, to submit to a penile plethysmograph examination in order to determine accurately what does and what does not provoke physical arousal in the defendant.
6. That the defendant shall be required to submit to a polygraph examination at the discretion of the Community Supervision Officer, if said officer has reason to believe that the defendant has reoffended or violated any terms or conditions of this judgment and sentence. Said polygraph examination to be conducted at the expense of the defendant.

Date: January 30, 1989

Robert V. Blair
Judge

INDECENT LIBERTIES (WITHOUT FORCIBLE COMPULSION)
 (RCW 9A.44.100 (1)(b,c))
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions 0 x 1 = 0

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony adjudications 0 x 1/2 = 0

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions 0 x 1 = 0

Total the last column to get the TOTAL OFFENDER SCORE 0
 (round down to the nearest whole number)

II. SENTENCE RANGE

| A. OFFENDER SCORE: | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
|------------------------|----------|---------|---------|---------|---------|---------|---------|---------|---------|-----------|
| STANDARD RANGE: | 12+ - 14 | 15 - 20 | 21 - 27 | 26 - 34 | 31 - 41 | 36 - 48 | 46 - 61 | 57 - 75 | 67 - 89 | 77 - 102 |
| (Seriousness Level VI) | months | months | months | months | months | months | months | months | months | months |

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR INDECENT LIBERTIES (WITHOUT FORCIBLE COMPULSION)

- A. If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))
- B. If sentence is less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b))
- C. Exceptional sentence (RCW 9.94A.120 (2))