



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: 11-1-04845-6

MAR 14 2012

VS.

STEVEN RAY BANKS,

Defendant.

WARRANT OF COMMITMENT

- 1) County Jail
- 2) Dept. of Corrections
- 3) Other Custody

DOSA

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF PIERCE COUNTY

WHEREAS, Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of Pierce, that the defendant be punished as specified in the Judgment and Sentence/Order Modifying/Revoking Probation/Community Supervision, a full and correct copy of which is attached hereto

[] 1. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Pierce County Jail).

[X] 2. YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections, and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Department of Corrections custody).

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3 [] 3. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for
4 classification, confinement and placement as ordered in the Judgment and Sentence.
5 (Sentence of confinement or placement not covered by Sections 1 and 2 above).

6 Dated: 3/13/12

By direction of the Honorable

JUDGE

KEVIN STOCK

CLERK

DEPUTY CLERK



10 CERTIFIED COPY DELIVERED TO SHERIFF

11 Date MAR 14 2012 By Chris Hutton Deputy

13 STATE OF WASHINGTON

14 County of Pierce

15 I, Kevin Stock, Clerk of the above entitled
16 Court, do hereby certify that this foregoing
17 instrument is a true and correct copy of the
18 original now on file in my office.

IN WITNESS WHEREOF, I hereunto set my
hand and the Seal of Said Court this
_____ day of _____, _____.

19 KEVIN STOCK, Clerk

By _____ Deputy

20 mrp



11-1-04845-6



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

MAR 14 2012

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 11-1-04845-6

vs.

STEVEN RAY BANKS

Defendant.

JUDGMENT AND SENTENCE (FJS)

- Prison [] RCW 9 94A.712 Prison Confinement
- [] Jail One Year or Less
- [] First-Time Offender
- [] Special Sexual Offender Sentencing Alternative
- Special Drug Offender Sentencing Alternative
- [] Alternative to Confinement (ATC)
- [] Clerk's Action Required, para 4.5 (SDOSA), 4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8
- [] Juvenile Decline [] Mandatory [] Discretionary

DOSA.

SID
DOB. ↓

I. HEARING

1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

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 3/13/12 by [X] plea [] jury-verdict [] bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO
I	TRAF STOL PROP (BBB8)	9A.82.050(1)	NONE	11/08/11	112860639 LAKEWOOD PD
II	UPSV (BBB13)	9A.56.068 & 9A.56.140	NONE	11/08/11	112860639 LAKEWOOD PD
III	TRAF STOL PROP (BBB8)	9A.82.050(1)	NONE	11/16/11	112860639 LAKEWOOD PD
IV	UPSV (BBB13)	9A.56.068 & 9A.56.140	NONE	11/16/11	112860639 LAKEWOOD PD
V	UPSV (BBB13)	9A.56.068 & 9A.56.140	NONE	11/16/11	112860639 LAKEWOOD PD

12-9-02811-8

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO
VI	TRAF STOL PROP (BBB8)	9A.82.050(1)	NONE	11/22/11	112860639 LAKEWOOD PD
VII	UPSV (BBB13)	9A.56.068 & 9A.56.140	NONE	11/22/11	112860639 LAKEWOOD PD
VIII	UPSV (BBB13)	9A.56.068 & 9A.56.140	NONE	11/22/11	112860639 LAKEWOOD PD
IX	TRAF STOL PROP (BBB8)	9A.82.050(1)	NONE	12/01/11	112860639 LAKEWOOD PD
X	UPSV (BBB13)	9A.56.068 & 9A.56.140	NONE	12/01/11	112860639 LAKEWOOD PD
XI	UPSV (BBB13)	9A.56.068 & 9A.56.140	NONE	12/01/11	112860639 LAKEWOOD PD
XII	UPSV (BBB13)	9A.56.068 & 9A.56.140	NONE	12/01/11	112860639 LAKEWOOD PD

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Horn, See RCW 46.61.520, (JP) Juvenile present, (SM) Sexual Motivation, (SCF) Sexual Conduct with a Child for a Fee. See RCW 9.94A.533(8). (If the crime is a drug offense, include the type of drug in the second column.)

as charged in the ORIGINAL Information

- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- Other current convictions listed under different cause numbers used in calculating the offender score are (1st offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	THEFT 2	03/10/11	Pierce County, WA	07/28/10	A	NV
2	BURGLARY 2 (11-1-01299-1)	OTHER CURRENT	Pierce County, WA	03/27/11	A	NV

- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

2.3 SENTENCING DATA.

COUNT NO	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	9+	IV	63 - 84 MOS	NONE	63 - 84 MOS	10 YRS
II	9+	II	43 - 57 MOS	NONE	43 - 57 MOS	10 YRS
III	9+	IV	63 - 84 MOS	NONE	63 - 84 MOS	10 YRS
IV	9+	II	43 - 57 MOS	NONE	43 - 57 MOS	10 YRS
V	9+	II	43 - 57 MOS	NONE	43 - 57 MOS	10 YRS
VI	9+	IV	63 - 84 MOS	NONE	63 - 84 MOS	10 YRS
VII	9+	II	43 - 57 MOS	NONE	43 - 57 MOS	10 YRS
VIII	9+	II	43 - 57 MOS	NONE	43 - 57 MOS	10 YRS
IX	9+	IV	63 - 84 MOS	NONE	63 - 84 MOS	10 YRS
X	9+	II	43 - 57 MOS	NONE	43 - 57 MOS	10 YRS
XI	9+	II	43 - 57 MOS	NONE	43 - 57 MOS	10 YRS
XII	9+	II	43 - 57 MOS	NONE	43 - 57 MOS	10 YRS

2.4 **EXCEPTIONAL SENTENCE** Substantial and compelling reasons exist which justify an exceptional sentence.

within below the standard range for Count(s) _____

above the standard range for Count(s) _____

The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

Aggravating factors were stipulated by the defendant, found by the court after the defendant waived jury trial, found by jury by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4. Jury's special interrogatory is attached. The Prosecuting Attorney did did not recommend a similar sentence.

2.5 **ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS.** The court has considered the total amount owing, the defend's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753

The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate.

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are attached as follows: N/A

III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1.

3.2 The court DISMISSES Counts _____ The defendant is found NOT GUILTY of Counts _____

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

JASS CODE

RTN/RIN \$ TBD Restitution to: per later order of the court
\$ _____ Restitution to: _____
(Name and Address--address may be withheld and provided confidentially to Clerk's Office).

PCV \$ 500.00 Crime Victim assessment

DNA \$ 100.00 DNA Database Fee

PUB \$ 400 Court-Appointed Attorney Fees and Defense Costs

FRC \$ 200.00 Criminal Filing Fee

FCM \$ _____ Fine

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ _____ Other Costs for: _____

\$ _____ Other Costs for: _____

\$ 1200 TOTAL

The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing.

shall be set by the prosecutor.

is scheduled for 6/12/12 @ 9AM in Courtroom 250

RESTITUTION. Order Attached

The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8)

All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than \$ per clerk per month commencing per clerk. RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b)

[] COSTS OF INCARCERATION. In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate. RCW 10.01.160.

COLLECTION COSTS The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

INTEREST The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

COSTS ON APPEAL An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW. 10.73.160.

4 1b ELECTRONIC MONITORING REIMBURSEMENT. The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____ for the cost of pretrial electronic monitoring in the amount of \$_____.

4 2 [X] DNA TESTING. The defendant shall have a blood/biological sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

[] HIV TESTING. The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

4 3 NO CONTACT
The defendant shall not have contact with Any Victims listed in the information. (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for 10 years (not to exceed the maximum statutory sentence).

[] Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

4.4 OTHER: Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law.

<i>Drug eval + follow up treatment</i>
<i>NO association with users or sellers</i>
<i>NO use or possession of any controlled substances</i>
<i>Random UA'S per CCO.</i>

4.4a All property is hereby forfeited

[] Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law.

4.4b BOND IS HEREBY EXONERATED

4.5

CONFINEMENT/SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE RCW 9 94A.660. The court finds that the defendant is a drug offender who is eligible for the special sentencing alternative on count(s) ~~I~~ and the court has determined that the special drug offender sentencing alternative is appropriate. The court waives imposition of a sentence within the standard range on the indicated counts and imposes a sentence which is half of the midpoint of the standard range. The court imposes the following sentence: I - XII

(a) PRISON-BASED ALTERNATIVE (effective for sentences imposed on or after October 1, 2005):

(1) CONFINEMENT. On SDOSA sentences, defendant is sentenced to a term of total confinement in the custody of the Department of Corrections (DOC) that is half of the midpoint of the standard range, or 12 months, whichever is greater

36.75 months on Court No. I, II, VI, IX → each count all counts concurrent to 11-1-01299-1
25 months on Court No. I SDOSA [] Standard Range
months on Court No. [] SDOSA [] Standard Range

→ II, IV, V, VII, VIII, X, XI, XII → each count
Confinement shall commence immediately unless otherwise set forth here:

Work release is authorized, if eligible and approved. If the midpoint of the standard range is 24 months or less, no more than three months may be served in work release status. RCW 9.94A.731.

The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 103 days

(2) COMMUNITY CUSTODY. Defendant shall serve 36.75 months in community custody. (The remainder of the midpoint of the standard range.) The defendant shall comply with the community custody conditions in paragraph 4.6.

(b) RESIDENTIAL CHEMICAL DEPENDENCY TREATMENT-BASED ALTERNATIVE (effective for sentences imposed on or after October 1, 2005)

(1) Defendant shall serve _____ months in community custody (A term equal to one-half of the midpoint of the standard range or two years, whichever is greater) under the supervision of the Department of Corrections (DOC), on the condition that the defendant enters and remains in residential chemical dependency treatment certified under chapter 70.96A RCW for _____ months.

(2) The defendant shall comply with the community custody conditions in paragraph 4.6. DOC shall make chemical dependency assessment and treatment services available to the defendant during the term of community custody, within available funding.

(3) A progress hearing is set for _____ (date). A treatment termination hearing is scheduled for three months before the expiration of the term of community custody, on _____ (date), or to be set later.

(b) CONFINEMENT ORDERED AT THE TREATMENT TERMINATION HEARING (effective for sentences imposed on or after October 1, 2005). At the treatment termination hearing, the court may impose a term of total confinement equal to one-half of the midpoint of the standard sentence range. Confinement imposed at the hearing shall be followed by the term of community custody in paragraph 4.8. within available funding, DOC shall make chemical dependency assessment and treatment services available to the defendant during the terms of total confinement and community custody.

4.8 ADDITIONAL TERM OF COMMUNITY CUSTODY UPON FAILURE TO COMPLETE OR TERMINATION FROM ALTERNATIVE PROGRAM. For offenses committed on or after June 8, 2000, the following term of community custody is ordered and shall be imposed upon the defendant's failure to complete or defendant's administrative termination from the special drug offender sentencing alternative program: Defendant shall serve a range from

_____ to _____ months on Court No. _____
_____ to _____ months on Court No. _____
_____ to _____ months on Court No. _____

in community custody or up to the period of earned release, whichever is longer.
PROVIDED: That under no circumstances shall the combined term of confinement and term of community custody actually served exceed the statutory maximum for each offense

While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) not unlawfully possess controlled substances while in community custody; (5) pay supervision fees as determined by DOC; and (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community custody.

The defendant shall not consume any alcohol
 Defendant shall have no contact with.
 Defendant shall remain within outside of a specified geographical boundary, to-wit:

The defendant shall participate in the following crime-related treatment or counseling services:

The defendant shall undergo an evaluation for treatment for domestic violence substance abuse
 mental health anger management and fully comply with all recommended treatment. _____

The defendant shall comply with the following crime-related prohibitions:

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Other conditions may be imposed by the court or DOC during community custody, or are set forth here:

V. NOTICES AND SIGNATURES

5.1 COLLATERAL ATTACK ON JUDGMENT. Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 LENGTH OF SUPERVISION. For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505. The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 NOTICE OF INCOME-WITHHOLDING ACTION If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 RESTITUTION HEARING. [] Defendant waives any right to be present at any restitution hearing (sign initials): SB

5.5 CRIMINAL ENFORCEMENT AND CIVIL COLLECTION. Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.

5.6 FIREARMS. You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

5.7 SEX AND KIDNAPPING OFFENDER REGISTRATION RCW 9A.44.130, 10.01.200

N/A

5.8 [] The court finds that Court _____ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.10 OTHER. _____

DONE in Open Court and in the presence of the defendant this date:

3/13/12

JUDGE

Print name

[Signature]

KATHRYN J. NELSON

[Signature]

Deputy Prosecuting Attorney

Print name:

WSB #

Attorney for Defendant

Print name:

WSB #

[Signature]
Michael Matthey

[Signature]

Defendant

Print name:

Steve Banks

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony convictions. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660

Defendant's signature.

[Signature]



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CERTIFICATE OF CLERK

CAUSE NUMBER of this case: 11-1-04845-6

I, KEVIN STOCK Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: _____.

Clerk of said County and State, by: _____, Deputy Clerk

IDENTIFICATION OF COURT REPORTER

DANA EBY

Court Reporter

IDENTIFICATION OF DEFENDANT

SID No. Date of Birth
(If no SID take fingerprint card for State Patrol)

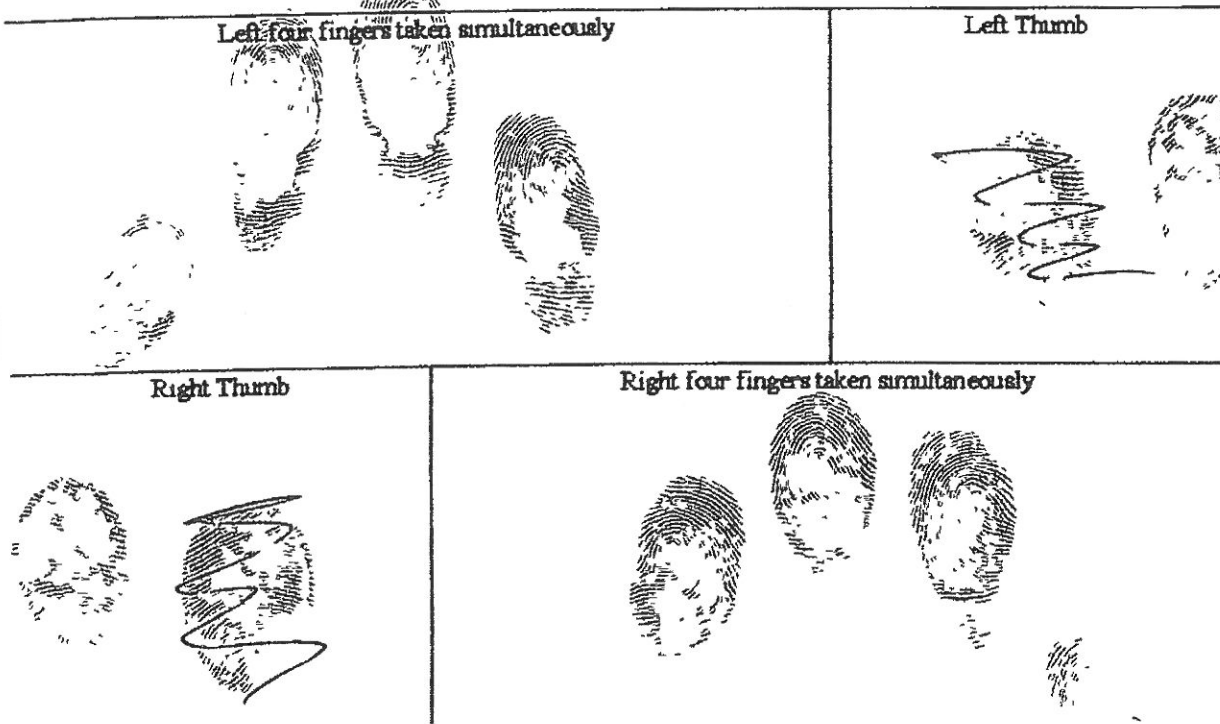
FBI No. Local ID No. UNKNOWN

PCN No. Other

Alias name, SSN, DOB.

Race: Ethnicity: Sex:
[] Asian/Pacific [] Black/African-American [X] Caucasian [] Hispanic [X] Male
[] Native American [] Other: [X] Non-Hispanic [] Female

FINGERPRINTS



I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, Sharon Redmond Dated: 3/13/12

DEFENDANT'S SIGNATURE: Steve Banks

DEFENDANT'S ADDRESS: In Custody