

SUPERIOR COURT OF WASHINGTON FOR

STATE OF WASHINGTON, )
Plaintiff, ) No. 09-1-05460-2 KNT
Vs. ) JUDGMENT AND SENTENCE
BOBBY WAYNE WELLS, ) FELONY (FJS)
Defendant, )

I. HEARING

I.1 The defendant, the defendant's lawyer, JOHN RANDOLPH, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were:

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 04/19/2010 by jury verdict of:

Count No.: I Crime: ATTEMPTING TO ELUDE A PURSUING POLICE VEHICLE
RCW 46.61.024 Crime Code: 7618A
Date of Crime: 06/25/2009 Incident No. 09-6803

Count No.: II Crime: SEE MISDEMEANOR J&S
RCW Crime Code:
Date of Crime: 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

**SPECIAL VERDICT or FINDING(S):**

- (a)  While armed with a firearm in count(s) \_\_\_\_\_ RCW 9.94A.510(3).
- (b)  While armed with a deadly weapon other than a firearm in count(s) \_\_\_\_\_ RCW 9.94A.510(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 41.61.5055, RCW 9.94A.510(7).
- (g)  Non-parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A.44.130.
- (h)  Domestic violence offense as defined in RCW 10.99.020 for count(s) \_\_\_\_\_.
- (i)  Current offenses encompassing the same criminal conduct in this cause are count(s) \_\_\_\_\_ RCW 9.94A.589(1)(a).

**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
Count I	25	I			22 TO 29 MONTHS	5 YRS AND/OR \$10,000
Count						
Count						
Count						

Additional current offense sentencing data is attached in Appendix C.

**2.5 EXCEPTIONAL SENTENCE (RCW 9.94A.535):**

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. The State  did  did not recommend a similar sentence.

**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.

4.1 RESTITUTION AND VICTIM ASSESSMENT:

- 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(2), sets forth those circumstances in attached Appendix E.
  - Restitution to be determined at future restitution hearing on (Date) \_\_\_\_\_ at \_\_\_\_\_ m.
    - Date to be set.
    - Defendant waives presence at future restitution hearing(s).
  - Restitution is not ordered.
- Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

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. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a)  \$ \_\_\_\_\_, Court costs;  Court costs are waived; (RCW 9.94A.030, 10.01.160)
- (b) \$100 DNA collection fee (RCW 43.43.754)(mandatory for crimes committed after 7/1/02);
- (c)  \$ \_\_\_\_\_, Recoupment for attorney's fees to King County Public Defense Programs;  Recoupment is waived (RCW 9.94A.030);
- (d)  \$ \_\_\_\_\_, Fine;  \$1,000, Fine for VUCSA;  \$2,000, Fine for subsequent VUCSA;  VUCSA fine waived (RCW 69.50.430);
- (e)  \$ \_\_\_\_\_, King County Interlocal Drug Fund;  Drug Fund payment is waived; (RCW 9.94A.030)
- (f)  \$ \_\_\_\_\_, State Crime Laboratory Fee;  Laboratory fee waived (RCW 43.43.690);
- (g)  \$ \_\_\_\_\_, Incarceration costs;  Incarceration costs waived (RCW 9.94A.760(2));
- (h)  \$ \_\_\_\_\_, Other costs for: \_\_\_\_\_

4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 600. 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;  On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations 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.

- Court Clerk's trust fees are waived.
- Interest is waived except with respect to restitution.

4.4 **CONFINEMENT OVER ONE YEAR:** Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows, commencing:  immediately; [ ] (Date): \_\_\_\_\_ by \_\_\_\_\_ .m.

28 months/days on count I; \_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/day on count \_\_\_\_\_  
\_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/day on count \_\_\_\_\_

The above terms for counts \_\_\_\_\_ are consecutive / concurrent.

The above terms shall run [ ] CONSECUTIVE  CONCURRENT to cause No.(s) Court II of  
the case now

The above terms shall run [ ] CONSECUTIVE [ ] CONCURRENT to any previously imposed sentence not referred to in this order.

[ ] In addition to the above term(s) the court imposes the following mandatory terms of confinement for any special **WEAPON** finding(s) in section 2.1: \_\_\_\_\_

which term(s) shall run consecutive with each other and with all base term(s) above and terms in any other cause. (Use this section only for crimes committed after 6-10-98)

[ ] The enhancement term(s) for any special **WEAPON** findings in section 2.1 is/are included within the term(s) imposed above. (Use this section when appropriate, but for crimes before 6-11-98 only, per In Re Charles)

The **TOTAL** of all terms imposed in this cause is 28 months.

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.

[ ] For nonviolent, nonsex offense, 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.

[ ] For nonviolent, nonsex offense, the court authorizes earned early release credit consistent with the local correctional facility standards for days spent in the King County Supervised Community Option (Enhanced CCAP).

4.5 **NO CONTACT:** For the maximum term of \_\_\_\_\_ years, defendant shall have no contact with \_\_\_\_\_

4.6 **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.**

4.7 (a) [ ] **COMMUNITY CUSTODY** for **qualifying crimes committed before 7-1-2000**, is ordered for [ ] one year (for a drug offense, assault 2, assault of a child 2, or any crime against a person where there is a finding that defendant or an accomplice was armed with a deadly weapon); [ ] 18 months (for any vehicular homicide or for a vehicular assault by being under the influence or by operation of a vehicle in a reckless manner); [ ] two years (for a serious violent offense).

(b) [ ] **COMMUNITY CUSTODY** for any **SEX OFFENSE** committed after 6-5-96 but before 7-1-2000, is ordered for a period of 36 months.

(c)  **COMMUNITY CUSTODY** - for qualifying crimes committed after 6-30-2000 is ordered for the following established range or term:

Sex Offense, RCW 9.94A.030 - 36 months—when not sentenced under RCW 9.94A.507

Serious Violent Offense, RCW 9.94A.030 - 36 months

If crime committed prior to 8-1-09, a range of 24 to 36 months.

Violent Offense, RCW 9.94A.030 - 18 months

Crime Against Person, RCW 9.94A.411 or Felony Violation of RCW 69.50/52 - 12 months

If crime committed prior to 8-1-09, a range of 9 to 12 months.

Sanctions and punishments for non-compliance will be imposed by the Department of Corrections or the court.  **APPENDIX H** for Community Custody conditions is attached and incorporated herein.

**APPENDIX J** for sex offender registration is attached and incorporated herein.

4.8  **WORK ETHIC CAMP:** The court finds that the defendant is eligible for work ethic camp, is likely to qualify under RCW 9.94A.690 and recommends that the defendant serve the sentence at a work ethic camp. Upon successful completion of this program, the defendant shall be released to community custody for any remaining time of total confinement, subject to the conditions set out in Appendix H.

4.9  **ARMED CRIME COMPLIANCE, RCW 9.94A.475,.480.** The State's plea/sentencing agreement is  attached  as follows:

\_\_\_\_\_  
\_\_\_\_\_

The defendant shall report to an assigned Community Corrections Officer upon release from confinement for monitoring of the remaining terms of this sentence.

Date:

5/21/10

JUDGE

Print Name:

Heller

Presented by:

*Nami Kim*

Deputy Prosecuting Attorney, WSBA# 36633

Print Name: NAMI KIM

Approved as to form:

Attorney for Defendant, WSBA # 26106

Print Name: John Rhyll Jr

FINGERPRINTS



Right Hand  
Fingerprints of:

Defendant's Signature: Bobby Wells  
Defendant's Address: 11015 12th St

Bobby Wayne Wells

Dated: 5/21/40

Attested by:

Barbara Miner, Superior Court Clerk

By: [Signature]  
Deputy Clerk

[Signature]  
JUDGE, KING COUNTY SUPERIOR COURT

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: \_\_\_\_\_

Sex: \_\_\_\_\_

Race: \_\_\_\_\_

FINGERPRINTS

**SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

STATE OF WASHINGTON,

Plaintiff,

vs.

BOBBY WAYNE WELLS,

Defendant,

No. 09-1-05460-2 KNT

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	Cause Number	Location
FIREARM POSSESSION UNL-2	11/09/2006	ADULT	061075826	KING CO
POSSESS STOLEN PROPERTY-1	10/21/2005	ADULT	041128508	KING CO
THEFT-2 NOT FIREARM	10/21/2005	ADULT	041060989	KING CO
POSSESS STOLEN PROPERTY-1	10/21/2005	ADULT	041060989	KING CO
ATTEMPT ELUDE PURSUING POLICE	11/30/2001	ADULT	011029360	KING CO
UNLAWFUL POSSESSION OF FIREARM	11/30/2001	ADULT	011029360	KING CO
UNLAWFUL POSSESSION OF FIREARM	11/30/2001	ADULT	011029360	KING CO
ATTMPT ELUDE PURSUING POLICE	11/30/2001	ADULT	011029360	KING CO
HARASSMENT	11/30/2001	ADULT	011029360	KING CO
TAKING VEHICLE W/O PERMISSION	11/30/2001	ADULT	011029360	KING CO
FORGERY	03/11/2002	ADULT	011029360	KING CO
ATTEMPT ELUDE PURSUING POLICE	02/26/1999	ADULT	011023464	PIERCE CO
TAKING VEHICLE W/O PERMISSION	02/26/1999	ADULT	991007120	KING CO
UNLAWFUL POSSESSION OF FIREARM	02/26/1999	ADULT	991007120	KING CO
MALICIOUS MISCHIEF-1	11/21/1997	ADULT	971083091	KING CO
ATTEMPT ELUDE PURSUING POLICE	11/12/1997	ADULT	971083091	KING CO
ATTEMPT ELUDE PURSUING POLICE	03/22/1996	ADULT	961008130	KING CO
TAKING VEHICLE W/O PERMISSION	04/21/1995	ADULT	951020018	KING CO
TAKING VEHICLE W/O PERMISSION	04/21/1995	ADULT	951020018	KING CO
CONT SUBS VIO A: MFG/DLVR	12/08/1995	ADULT	951039461	KING CO
TAKING MOTOR VEHICLE	10/11/1989	JUVENILE	898050864	KING CO
TAKING MOTOR VEHICLE	03/14/1990	JUVENILE	908011358	KING CO
TAKING MOTOR VEHICLE	08/10/1990	JUVENILE	908038621	KING CO
ATT ELUDE	08/10/1990	JUVENILE	908038621	KING CO

[ ] The following prior convictions were counted as one offense in determining the offender score (RCW 9.94A.525(5)):

Date:

5/21/10

*[Signature]*  
JUDGE, KING COUNTY SUPERIOR COURT

**SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

STATE OF WASHINGTON,	)	
	)	
Plaintiff,	)	No. 09-1-05460-2 KNT
	)	
vs.	)	APPENDIX G
	)	ORDER FOR BIOLOGICAL TESTING
BOBBY WAYNE WELLS,	)	AND COUNSELING
	)	
Defendant,	)	
	)	

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**(1) DNA IDENTIFICATION (RCW 43.43.754):**

The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.

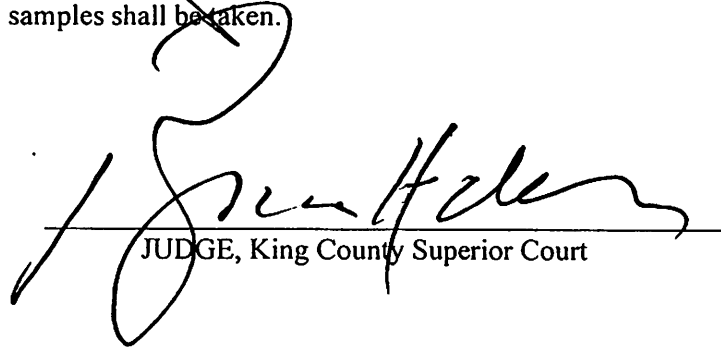
**(2)  HIV TESTING AND COUNSELING (RCW 70.24.340):**

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermis needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 205-7837 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date: 5/21/10

  
\_\_\_\_\_  
JUDGE, King County Superior Court

**SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

STATE OF WASHINGTON,	)	
	)	No. 09-1-05460-2 KNT
Plaintiff,	)	
	)	<b>JUDGMENT AND SENTENCE,</b>
v.	)	<b>NON-FELONY -- Count(s) II</b>
	)	[ ] DEFERRING Imposition of
BOBBY WAYNE WELLS,	)	Sentence/Probation
	)	<input checked="" type="checkbox"/> SUSPENDING Sentence
Defendant.	)	
_____	)	<b>SEE FELONY J&amp;S COUNT II</b>

The Prosecuting Attorney, the above-named defendant and counsel JOHN RANDOLPH being present in Court, the defendant having been found guilty of the crime(s) charged in the information on 04/19/2010 by trial and there being no reason why judgment should not be pronounced;

IT IS ADJUDGED that the defendant is guilty of the crime(s) of: COUNT II: THEFT IN THE THIRD DEGREE/ RCW 9A.56.050 & 9A.56.020(1)(A)

IT IS ORDERED pursuant to RCW 9.95.200 and 9.95.210 that:

[ ] the imposition of sentence against the defendant is hereby **DEFERRED** for a period of \_\_\_\_\_ months from this date upon the following terms and conditions:

**OR**

[ ] the defendant is sentenced to imprisonment in the King County Jail, Department of Adult Detention, for \_\_\_\_\_ months on each count, said term(s) to run [ ] concurrently [ ] consecutively with each other, and to run [ ] concurrently [ ] consecutively with [ ] count(s) \_\_\_\_\_ [ ] Cause No(s). \_\_\_\_\_ and the sentence (less any days of confinement imposed below) is hereby **SUSPENDED** upon the following terms and conditions:

(1) The defendant shall serve a term of confinement of 3 mos  in the King County Jail, Department of Adult Detention, [ ] in King County Work/Education Release subject to conditions of conduct ordered this date, [ ] in King County Electronic Home Detention subject to conditions of conduct ordered this date, with credit for [ ] \_\_\_\_\_ days served [ ] days as determined by the King County Jail, solely on this cause, to commence no later than \_\_\_\_\_. This term shall run  concurrently [ ] consecutively with Ct. II. This term shall run consecutive to any other term not specifically referenced in this order.

(2) ~~The defendant shall be on probation under the supervision of the Washington State Department of Corrections and comply with the standard rules and regulations of supervision. Probation shall commence immediately but is tolled during any period of confinement. The defendant shall report for supervision within 72 hours of this date or release date if in custody. The length of probation shall be \_\_\_\_\_ months.~~

(3) Defendant shall pay to the clerk of this Court:

- (a)  Restitution is not ordered;
- Order of Restitution is attached;
- Restitution to be determined at a restitution hearing on (Date) \_\_\_\_\_ at \_\_\_\_\_ m.;
- Date to be set;
- The defendant waives presence at future restitution hearing(s);

(b) \$ \_\_\_\_\_, Court costs;

(c) \$ \_\_\_\_\_, Victim assessment, \$500 for gross misdemeanors and \$250 for misdemeanors;

(d) \$ \_\_\_\_\_, Recoupment for attorney's fees to King County Public Defense Programs;

(e) \$ \_\_\_\_\_, Fine; \$ \_\_\_\_\_ of this fine is suspended upon the terms and conditions herein;

(f) TOTAL financial obligation: \_\_\_\_\_;

*See Felony J+J for all other legal financial obligations.*

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;  On a schedule established by the Department of Corrections if it has active supervision of the defendant, or by the county clerk.

(4)  The defendant shall complete \_\_\_\_\_ community service hours  at a rate of not less than \_\_\_\_\_ hours per month  to be completed by (Date) \_\_\_\_\_. If the defendant is not supervised by the Dept. of Corrections, community service will be monitored by the Helping Hands Program.

(5)  The defendant shall not purchase, possess, or use any  alcohol  controlled substance (without a lawful prescription). The defendant shall submit to urinalysis and/or breath testing as required by the Department of Corrections and submit to search of person, vehicle or home by a Community Corrections Officer upon reasonable suspicion of violation;

(6)  The defendant shall obtain a substance abuse evaluation and follow all treatment recommendations; \_\_\_\_\_

(7)  The defendant shall enter into, make reasonable progress and successfully complete a state certified domestic violence treatment program; \_\_\_\_\_

(8)  The defendant shall have no contact with: MIDWAY TROPICAL FISH

(9)  The defendant shall have no unsupervised contact with minors.

(10) [ ] 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 (for harassment, stalking, assault in the fourth degree with sexual motivation, communicating with a minor for immoral purposes, failure to register, custodial sexual misconduct in the second degree, patronizing a prostitute, sexual misconduct with a minor in the second degree, violation of a sexual assault protection order, or any other offense requiring registration under RCW 9A.44.130).

(11) [ ] The defendant shall register as a sex offender.

(12) The defendant shall commit no criminal offenses.

(13) [ ] Additional conditions of probation are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(14) Additional conditions are attached to and incorporated as Appendix \_\_\_\_\_.

Date: 5/21/10

[Signature]  
Judge, King County Superior Court  
Print Name: Heller

Presented by:  
[Signature]  
Deputy Prosecuting Attorney, WSBA # 36633  
Print Name: NAMI KIM

Form Approved for Entry:  
[Signature]  
Attorney for Defendant, WSBA # 26106  
Print Name: John Rubyl Sr

Defendant's current address:  
11410 11th Ave SW  
Seattle, Wa 98146