



CL15564629

Criminal case

FILED

12 APR 11 PM 3:18

SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH

INELIGIBLE TO CARRY FIREARMS

SUPERIOR COURT OF WASHINGTON
FOR SNOHOMISH COUNTY

THE STATE OF WASHINGTON,

No. 11-1-00201-7

Plaintiff,

JUDGMENT AND SENTENCE

v.

Prison

DOWNER, MICHAEL ROBERT

Jail One Year or Less

Defendant.

First Time Offender

Special Drug Offender Sentencing Alternative

SID: WA

Clerk's action required, firearm rights
revoked, ¶ 5.5

If no SID, use DOB:

Clerk's action required, ¶¶ 2.1, 4.1, 4.3, 4.5, 5.2, 5.3

Clerk's action required, ¶ 5.6 (use of motor vehicle)

Restitution Hearing set, ¶ 4.3

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

2.1 CURRENT OFFENSE(S). The defendant was found guilty on 3/15/12 by plea of:

COUNT	CRIME	RCW	CLASS	INCIDENT #	DATE OF CRIME
I	First Degree Theft	9A.56.030(1)(a)	B	EVE 1015310	4/10/10 thru 5/31/10

as charged in the Information.

The jury returned a special verdict or the court made a special finding with regard to the following:

See ¶ 4.1 regarding findings in relation to Drug Offender Sentencing Alternative or First Time Offender Waiver.

The defendant used a firearm in the commission of the offense(s) in Count(s) _____, RCW 9.94A.602, 9.41.010, 9.94A.533.

The defendant used a deadly weapon other than a firearm in the commission of the offense(s) in Count(s) _____, RCW 9.94A.602, 9.94A.533.

Count(s) _____ is (are) a criminal street gang-related felony offense in which the defendant compensated, threatened, or solicited a minor in order to involve that minor in the commission of the offense. RCW 9.94A.833.

ORIGINAL

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Date: 11/2/12 Clerk: [Signature] CC PA [Signature] CC SCSO [Signature] DPA Strm Y IN

- Count(s) _____ is (are) the crime of **unlawful possession of a firearm** and the defendant was a **criminal street gang member** or associate when the defendant committed the crime. RCW 9.94A.702, 9.94A._____.
- The defendant committed **vehicular assault** proximately caused by driving a vehicle while under the influence of intoxicating liquor or drug or by operating a vehicle in a reckless manner. The offense is, therefore, deemed a violent offense. RCW 9.94A.030.
- Count(s) _____ is (are) a felony in the commission of which the defendant used a **motor vehicle**. RCW 46.20.285.
- The defendant has a **chemical dependency** that has contributed to the offense(s) in Count(s) _____. RCW 9.94A.607.
- For the crime charged in Count(s) _____, **domestic violence** was pled and proved. RCW 10.99.020.
- Count(s) _____ involve(s) **kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment** as defined in Chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- Count(s) _____ and _____ merge. (See ¶ 3.2 for dismissal of specific count.)
- Counts _____ encompass the same criminal conduct and count as one crime in determining the offender score. RCW 9.94A.589.
- Other current convictions** listed under different cause numbers used in calculating the offender score are (list offense and cause number):

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

<u>CRIME</u>	<u>DATE OF SENTENCE</u>	<u>SENTENCING COURT (County & State)</u>	<u>A or J (Adult or Juvenile)</u>	<u>TYPE OF CRIME</u>
1 None				

- The defendant committed Count(s) _____ while on community custody (adds one point to score). RCW 9.94A.525.
- The court finds the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):
- The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

2.3 SENTENCING DATA.

COUNT NO.	OFFENDER SCORE	SRA LEVEL	STANDARD RANGE (not including enhancements)	*PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
1	0	II	0 - 90 days		0 - 90 days	10 years \$20,000

*(F) Firearm, (D) Other deadly weapons, (VH) Vehicular Homicide, See RCW 46.61.520, (JP) Juvenile Present, (CSG) Criminal Street Gang Involving Minor.

- 2.4** **EXCEPTIONAL SENTENCE.** Substantial and compelling reasons exist which justify an exceptional sentence above below the standard range for Count(s) _____ or within the standard range for Count(s) _____ but served consecutively to Count(s) _____.
- The defendant and State stipulate that justice is best served by imposition of an exceptional sentence above the standard range and the court finds that exceptional sentence furthers and is consistent with the interests of justice and the purpose 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. The jury's 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 defendant'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 is an adult and is not disabled and therefore 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(5)):
-

- The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.

2.6 PROSECUTOR'S RECOMMENDATION. The prosecutor's recommendation was as follows:

45 days/months on Count I _____ days/months on Count IV
 _____ days/months on Count II _____ days/months on Count V
 _____ days/months on Count III _____ days/months on Count VI

Terms on each count to run:
 concurrently with or consecutively to each other
 concurrently with or consecutively to the terms imposed in Cause No(s). _____

III. JUDGMENT

- 3.1 The defendant is **GUILTY** of the counts and charges listed in Paragraph 2.1.
- 3.2 The court **DISMISSES** Count(s) _____.
- 3.3 The defendant was found **NOT GUILTY** of Count(s) _____.

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 **JAIL ONE YEAR OR LESS.** The court sentences the defendant to total confinement as follows:

CONFINEMENT. RCW 9.94A.589. A term of total confinement in the custody of the county jail:

45 days/months on Count I _____ days/months on Count IV
 _____ days/months on Count II _____ days/months on Count V
 _____ days/months on Count III _____ days/months on Count VI

The confinement time on Count(s) _____ includes _____ months as enhancement for Deadly Weapon other _____.

Actual term of total confinement ordered is 45 days/months.

All counts shall be served concurrently, except for the following which shall be served consecutively:

The sentence herein shall run consecutively to the sentence in cause number(s) _____

and consecutive to any sentence which was imposed before the date of violation for the offenses in this cause number. The sentence shall run concurrently to the sentence in cause numbers _____, RCW 9.94A.589.

Confinement shall commence immediately unless otherwise set forth here: _____

To appear by 2:00 pm on 4/17/12

PARTIAL CONFINEMENT. Defendant may serve the sentence, if eligible and approved, in partial confinement in the following programs, subject to the following conditions:

- work crew RCW 9.94A.725 home detention RCW 9.94A.731, .190
- work release RCW 9.94A.731

CONVERSION OF JAIL CONFINEMENT (Nonviolent and Nonsex Offenses). RCW 9.94A.680(3). The county jail is authorized to convert jail confinement to an available county supervised community option, to reduce the time spent in the community option by earned release credit consistent with local correctional facility standards, and may require the offender to perform affirmative conduct pursuant to RCW 9.94A.

ALTERNATIVE CONVERSION. RCW 9.94A.680. _____ days of total confinement ordered above are hereby converted to _____ hours of community restitution (8 hours = 1 day, nonviolent offenders only, 30 day maximum) under the supervision of the Department of Corrections to be completed on a schedule established by the defendant's community corrections officer but not less than _____ hours per month.

Alternatives to total confinement were not used because of criminal history failure to appear defendant has served most or all confinement before sentencing other.

CREDIT FOR TIME SERVED. The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505(6). 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:

4.2 [] **COMMUNITY CUSTODY.** RCW 9.94A.505, .702. The defendant shall serve the following term of community custody (*up to 12 months*):

Count I for a period of _____ months Count IV for a period of _____ months
Count II for a period of _____ months Count V for a period of _____ months
Count III for a period of _____ months Count VI for a period of _____ months

The court may order community custody under the jurisdiction of Department of Corrections (DOC) for up to 12 months if the defendant is convicted of a violent offense, a crime against a person under RCW 9.94A.411, or felony violation of Chapter 69.50 or 69.52 RCW or an attempt, conspiracy or solicitation to commit such a crime. For offenses committed on or after June 7, 2006, the court shall impose a term of community custody under RCW 9.94A.701 if the offender is guilty of failure to register (second or subsequent offense) under RCW 9A.44.130(1)(a) and for offenses after June 12, 2008 for unlawful possession of a firearm with a finding that the defendant was a member or associate of a criminal street gang.

The defendant shall report to DOC, 8625 Evergreen Way, Suite 100, Everett, Washington 98208 not later than 72 hours after release from custody.

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; (3) notify DOC of any change in the defendant's address or employment; (4) not consume or possess controlled substances except pursuant to lawfully issued prescriptions; (5) not own, use, or possess firearms or ammunition; (6) pay supervision fees as determined by DOC; (7) perform affirmative acts necessary to monitor compliance with orders of the court as required by DOC; and (8) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706. The residence location and living arrangements are subject to the prior approval of DOC while on community custody.

- [] The defendant shall not consume any alcohol.
- [] The defendant shall have no contact with _____ [] See ¶ 4.5.
- [] The defendant shall remain [] within [] outside of a specific geographical boundary, to wit:

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

- [] The defendant shall participate in the following: [] State certified domestic violence treatment program [] chemical dependency evaluation [] mental health evaluation [] anger management program, and fully comply with all recommended treatment.
- [] The defendant shall comply with the following crime-related prohibitions: _____

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

4.3 LEGAL FINANCIAL OBLIGATIONS. Defendant shall pay to the clerk of the court:

PVC	<input checked="" type="checkbox"/> \$500	Victim assessment	RCW 7.68.035
CRC	\$ _____ <input checked="" type="checkbox"/> waived	Court costs, including	RCW 9.94A.030, .505; 10.01.160
		Criminal filing fee \$ _____	FRC
		Witness costs \$ _____	WFR
		Sheriff service fees \$ _____	SFR/SFS/SFW/SRF
		Jury demand fee \$ _____	JFR
		Other \$ _____	RCW 10.46.190
PUB	<input type="checkbox"/> \$962 <input checked="" type="checkbox"/> waived	Fees for court appointed attorney	RCW 9.94A.760
WFR	\$ _____	Court appointed defense expert and other costs	RCW 9.94A.760
FCM	<input type="checkbox"/> \$1,000 <input type="checkbox"/> \$2,000	Fine RCW 9A.20.021; <input type="checkbox"/> VUCSA additional fine	RCW 69.50.430
		deferred due to indigency	
COFLDV	\$ _____	Drug enforcement fund of \$ _____	RCW 9.94A.760
FCD/NTF/SAD/SDI	<input type="checkbox"/> \$100	Crime lab fee <input type="checkbox"/> suspended due to indigency	RCW 43.43.690
CLF	\$ _____	Extradition costs	RCW 9.94A.505
EXT	\$ _____	Emergency response costs (Vehicular Assault,	
RTN/RJN	\$ _____	Vehicular Homicide, DUI only, \$1000 maximum)	RCW 38.52.430
	<input checked="" type="checkbox"/> \$100	Biological Sample Fee	RCW 43.43.7541
		(for offenses committed after 07-01-2002)	
PDV	<input type="checkbox"/> \$100	Domestic Violence Penalty (for offenses committed	RCW 10.99.080
	\$ _____	after 06-04-2004 – maximum \$100)	
	\$ _____	Other costs for: .. _____	
	\$ <u>600</u>	TOTAL	RCW 9.94A.760

RESTITUTION. The above total does not include all restitution or other legal financial obligations, 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 for _____
- Defendant waives any right to be present at any restitution hearing (sign initials): _____
- Defendant waives any right to a restitution hearing within 6 months. RCW 9.94A.750.

A separate Restitution Order is being entered contemporaneously with this Judgment and Sentence.

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 and on a schedule established by the Department of Corrections, commencing immediately, unless the court specifically sets forth the rate here of not less than:

\$ 100 per month commencing 60 days after release RCW 9.94A.760.

All payments shall be made within 60 months of release of confinement; entry of judgment; other _____

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

In addition to the other costs imposed herein the Court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at \$100.00 per day (not to exceed \$100 per day) unless another rate is specified here _____ RCW 9.94A.760(2).

The defendant shall pay the costs of services to collect unpaid legal financial obligations. RCW 36.18.190.

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. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.

- 4.4 **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. The appropriate agency 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. The defendant, if out of custody, shall report to the HIV/AIDS Program Office at 3020 Rucker, Suite 106, Everett, Washington 98201 within one (1) business day of entry of this order to arrange for the test. RCW 70.24.340.
- 4.5 **NO CONTACT.**
- The defendant shall not have contact with _____ (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party until _____ (date) (not to exceed the maximum statutory sentence). EVEN IF THE PERSON WHO THIS ORDER PROTECTS INVITES OR ALLOWS CONTACT, YOU CAN BE ARRESTED AND PROSECUTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU HAVE THE SOLE RESPONSIBILITY TO AVOID OR REFRAIN FROM VIOLATING THIS ORDER.
- A separate post conviction Domestic Violence No Contact Order, Anti-Harassment Order, or Sexual Assault Protection Order was filed at the time of entry of the plea of guilty/guilty verdict is filed contemporaneously with this Judgment and Sentence. *(Entry of a separate order makes a violation of this no contact sentencing provision also punishable as a criminal offense, and the order will be entered into the law enforcement database.)*
- The pre-trial Domestic Violence No Contact Order, Anti-Harassment Order, or Sexual Assault Protection Order entered on _____ is hereby terminated.
- 4.6 **OTHER.** _____
- 4.7 **OFF-LIMITS ORDER.** (Known drug trafficker). RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: _____
- 4.8 Unless otherwise ordered, all conditions of this sentence shall remain in effect notwithstanding any appeal.

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 purposes 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.753(4); RCW 9.94A.760 and RCW 9.94A.505(5).
- 5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in paragraph 4.1, you are notified that the Department of Corrections 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.7606.
- 5.4 **VIOLATION OF JUDGMENT AND SENTENCE/COMMUNITY CUSTODY VIOLATION.**
 - (a) Any violation of a condition or requirement of sentence is punishable by up to 60 days confinement for each violation. RCW 9.94A.633.
 - (b) If you have not completed your maximum term of total confinement and you are subject to a third violation hearing and DOC finds that you committed the violation, DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. RCW 9.94A.714.

5.5 FIREARMS. You may not own, use or possess any firearm unless your right to do so is restored by a superior court in Washington State, and by a federal court if required. You must immediately surrender any concealed pistol license. *(The clerk of the court 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.

(Pursuant to RCW 9.41.047(1), the Judge shall read this section to the defendant in open court.)

The defendant is ordered to forfeit any firearm he/she owns or possesses no later than _____ to _____ *(name of law enforcement agency)*. RCW 9.41.098

- 5.6 **MOTOR VEHICLE.** If the court found that you used a motor vehicle in the commission of the offense, then the Department of Licensing will revoke your driver's license. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke your driver's license. RCW 46.20.285.
- 5.7 **CERTIFICATE OF DISCHARGE.**
 - (a) If you are under the custody and supervision of the Department of Corrections, the court will not issue a Certificate of Discharge until it has received notice from Department of Corrections and clerk's office that you have completed all requirements of the sentence and satisfied all legal financial obligations. RCW 9.94A.637.
 - (b) If you are not under the custody and supervision of the Department of Corrections, the court will not issue a Certificate of Discharge until it has received verification from you that you have completed all sentence conditions other than payment of legal financial obligations and the clerk's office that you have satisfied all legal financial obligations.

5.8 RIGHT TO APPEAL. If you plead not guilty, you have a right to appeal this conviction. If the sentence imposed was outside of the standard sentencing range, you also have a right to appeal the sentence. You may also have the right to appeal in other circumstances.

This right must be exercised by filing a notice of appeal with the clerk of this court within 30 days from today. If a notice of appeal is not filed within this time, the right to appeal is IRREVOCABLY WAIVED.

If you are without counsel, the clerk will supply you with an appeal form on your request, and will file the form when you complete it.

If you are unable to pay the costs of the appeal, the court will appoint counsel to represent you, and the portions of the record necessary for the appeal will be prepared at public expense.

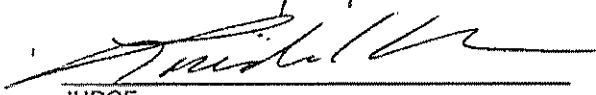
5.9 VOTING RIGHTS STATEMENT. I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled.

My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must re-register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations.

My right to vote may be permanently restored by one of the following for each felony conviction: 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 29A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

5.10 OTHER. _____

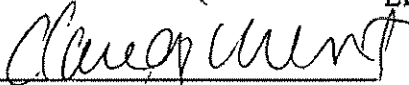
DONE in Open Court and in the presence of the defendant this date: 4/10/12



JUDGE
Print name: LINDA C. KRESE



ELISE A. DESCHENES
WSBA 37853
Deputy Prosecuting Attorney



CLARE M. GILBERT
WSBA 34982
Attorney for Defendant



MICHAEL ROBERT DOWNER
Defendant

Interpreter signature/Print name: _____

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the _____ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language. Cause No. of this case: 11-1-00201-7.

I, Sonya Kraski, 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, _____, Deputy Clerk.

IDENTIFICATION OF DEFENDANT

SID Number: WA
(If no SID, take fingerprint card for State Patrol)

Date of Birth: 08/04/1951

FBI Number: 23412FA3

Local ID Number: _____

PCN Number: _____

DOC Number: _____

Alias name, SSN, DOB:

Race: White

Ethnicity:
 Hispanic
 Non-Hispanic

Sex: M

Height: 601

Weight: 175

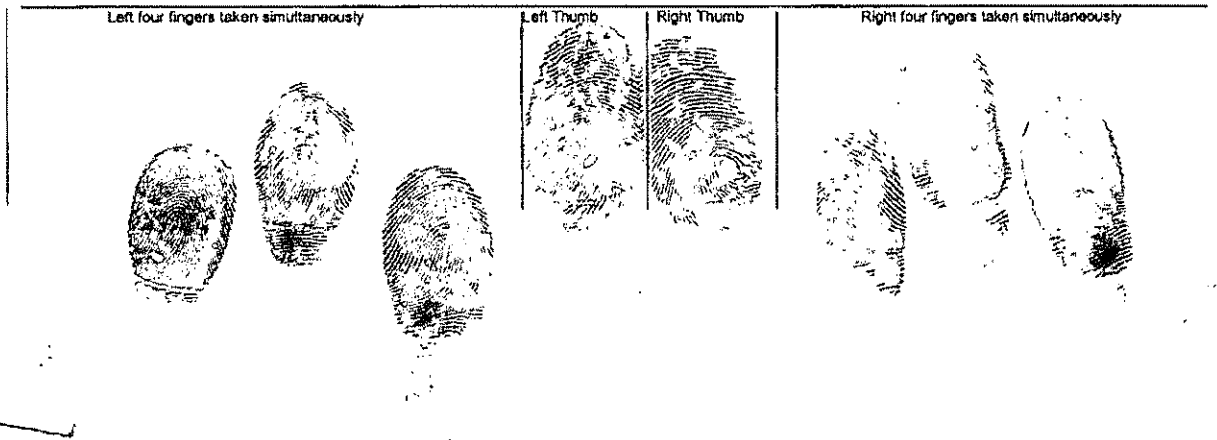
Hair: Brown

Eyes: Brown

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: J. Rose Bette, Deputy Clerk.

Dated: 4-10-12

DEFENDANT'S SIGNATURE: *CR [Signature]*
ADDRESS: PO Box 542 Gold Bar, WA 98251



ORDER OF COMMITMENT

FILED

THE STATE OF WASHINGTON to the Department of Corrections of the County of Snohomish, State of Washington, Date **12 APR 11 PM 3: 18**

Washington:

SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH

WHEREAS, MICHAEL ROBERT DOWNER has been duly convicted of the crime(s) of Grand Theft Theft as charged in the Information and judgment has been pronounced against the defendant that punishment be by imprisonment in the Snohomish County Department of Corrections for a period of time as specified in the attached certified copy of the Judgment and Sentence; Now, Therefore,

THIS IS TO COMMAND YOU, the Snohomish County Department of Corrections, to detain the defendant pursuant to the terms of the Judgment and Sentence.

FURTHER, this is to command you that should the Judgment and Sentence authorize release of the defendant to a Work/Training Release Facility or Program, or to any other program or for some specific purpose, this Order of Commitment shall constitute authority for you to release the defendant for that program or purpose, subject to any additional requirements of that program or purpose.

WITNESS the Honorable LINDA C. KRESE, Judge of the Snohomish County Superior Court and the seal thereof, this 10th day of April, 2012.

Sonya Kraski
CLERK OF THE SUPERIOR COURT

By: [Signature]
Deputy Clerk

FILED

2010 DEC -3 AM 9:12

SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH

*Civil
Case*



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SUPERIOR COURT OF WASHINGTON FOR SNOHOMISH COUNTY

CHRISTIANE R. RAFFARD,

Plaintiff,

No. 10-2-07048-4

vs.

STIPULATED ORDER OF
DISMISSAL

MICHAEL R. DOWNER and JANE DOE
DOWNER, whose true name is believed to be
CINDY KILLGORE, husband and wife and
the marital community composed thereof

Defendants.

THIS MATTER came on before the Court, duly and properly, under the provisions of CR 41, pursuant to the Agreement and Stipulation of the plaintiff and the defendants, as evidenced by the authorized signatures hereto of counsel for plaintiff and counsel for defendants, for a dismissal with prejudice and without an award of fees and costs, of all claims asserted by the plaintiff. Based on this Stipulation and Agreement, it is hereby ORDERED, AS FOLLOWS:

1. All claims plead and alleged under Plaintiff's filed Complaint, together with all claims and causes of actions related to the subject matter of this Complaint, are hereby dismissed with prejudice and without an award of fees or costs;

2. Pursuant to the Agreement and Stipulation of the plaintiff and defendant, Boeing Employee Credit Union ("BECU") and Union Bank are hereby ordered to disburse

CLOSED

STIPULATED ORDER OF DISMISSAL - 1

ACAI\5474\0001\00570818.v1

ORIGINAL

ANDERSON HUNTER LAW FIRM, P.S.
2707 COLBY AVENUE, SUITE 1001, P.O. BOX 5397
EVERETT, WASHINGTON 98200-5397
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FACSIMILE (425) 256-3345

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all funds contained in accounts in the name of Michael R. Downer and/or Cindy Killgore to the Anderson Hunter Law Firm, attorneys for the plaintiff.

DONE IN OPEN COURT this _____ day of DEC 03 2010, 2010.

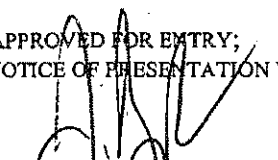

JUDGE/COMMISSIONER

APPROVED FOR ENTRY;
NOTICE OF PRESENTATION WAIVED.

ANDERSON HUNTER LAW FIRM, P.S.

By 
Amy C. Allison, WSBA #34317
Attorneys for Plaintiff, Christiane R. Raffard

APPROVED FOR ENTRY;
NOTICE OF PRESENTATION WAIVED.


Gary L. Baker, WSBA # 16206
Attorney for Defendants Michael R. Downer
And Cindy Killgore

STIPULATED ORDER OF DISMISSAL - 2

ANDERSON HUNTER LAW FIRM, P.S.
2707 COLBY AVENUE, SUITE 1001, P.O. BOX 5307
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