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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, Plaintiff,	)	No. 01-1-06492-1 KNT
Vs.	)	**JUDGMENT AND SENTENCE FELONY**
BRIAN MEENK, Defendant,	)	

I. HEARING

I.1 The defendant, the defendant's lawyer, DON MADSEN, 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 10/31/2001 by jury verdict of:

Count No.: I Crime: RAPE OF A CHILD IN THE THIRD DEGREE
RCW 9A.44.079 Crime Code: _____
Incident No. _____

Count No.: _____ Crime: _____
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**

COPY TO SENTENCING GUIDELINES COMMISSION FEB 0 1 2002
CERTIFIED COPY TO COUNTY JAIL FEB 0 1 2002

SPECIAL VERDICT or FINDING(S):

(a) [ ] While armed with a **firearm** in count(s) _____ RCW 9.94A.310(3).
(b) [ ] While armed with a **deadly weapon** other than a firearm in count(s) _____ RCW 9.94A.310(4).
(c) [ ] With a **sexual motivation** in count(s) _____ RCW 9.94A.127.
(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.310(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.400(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.360):
[X] Criminal history is attached in **Appendix B.**
[ ] Prior convictions counted as one offense in determining the offender score (RCW 9.94A.360(5) are: _____
[ ] One point added for offense(s) committed while under community placement for count(s) _____

2.4 SENTENCING DATA:

Sentencing Data			Standard Range	Enhancement	Total Standard Range	Maximum Term
Count I					~~31 TO 41 MONTHS~~ 36 TO 48	5 YRS AND/OR $10,000
Count						
Count						
Count						

[ ] Additional current offense sentencing data is attached in **Appendix C.**

2.5 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.** 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.142(2), sets forth those circumstances in attached Appendix E.

[X] Restitution to be determined at future restitution hearing on (Date) _____ at _____ m.

[X] Date to be set.

[X] 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; [X] Court costs are waived; (RCW 9.94A.030, 10.01.160)

(b) [ ] $_____, Recoupment for attorney's fees to King County Public Defense Programs; [X] Recoupment is waived (RCW 9.94A.030);

(c) [ ] $_____, Fine; [ ] $1,000, Fine for VUCSA; [ ] $2,000, Fine for subsequent VUCSA; [ ] VUCSA fine waived (RCW 69.50.430);

(d) [ ] $_____, King County Interlocal Drug Fund; [ ] Drug Fund payment is waived; (RCW 9.94A.030)

(e) [ ] $_____, State Crime Laboratory Fee; [ ] Laboratory fee waived (RCW 43.43.690);

(f) [ ] $_____, Incarceration costs; [ ] Incarceration costs waived (RCW 9.94A.145(2));

(g) [X] $ 500.00, Other costs for: Victim Penalty Assessment @ all trust & interest fees waived except Rest. Jt. & Restitution.

4.3 **PAYMENT SCHEDULE**: Defendant's **TOTAL FINANCIAL OBLIGATION** is: $ 500.00. 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; [X] On a schedule established by the defendant's Community Corrections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. **The Defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from the date of sentence or release from confinement to assure payment of financial obligations.**

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: [X] immediately; [ ](Date): _____ by _____.m.

48 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 concurrent/consecutive.

The above terms shall run concurrent/consecutive with cause No.(s) _____

_____

The above terms shall run consecutive 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 48 months.

Credit is given for [X] 199 days served [ ] days as determined by the King County Jail, solely for conviction under this cause number pursuant to RCW 9.94A120(17).

4.5 **NO CONTACT:** For the maximum term of 5 years. defendant shall have no contact with

4.6 **Blood Testing :** (sex offense, violent offense, prostitution offense, drug offense associated with the use of hypodermic needles) **Appendix G** is a blood testing and counseling order that is part of and incorporated by reference into this Judgment and Sentence.

4.7 (a) [ ] **COMMUNITY PLACEMENT** pursuant to RCW 9.94A.120(9), for **qualifying crimes committed before 7-1-2000**, is ordered for _____ months or for the period of earned early release awarded pursuant to RCW 9.94A.150 whichever is longer. [24 months for any serious violent offense, vehicular homicide, vehicular assault, or sex offense prior to 7-6-96; 12 months for any assault 2°, assault of a child 2°, felony violation of RCW 69.50/52, any crime against person defined in RCW 9.94A.440 not otherwise described above.] **APPENDIX H** for Community Placement conditions is attached and incorporated herein.

(b) [X] **COMMUNITY CUSTODY** pursuant to RCW 9.94.120(10) for any **SEX OFFENSE committed after 6-6-96 but before 7-1-2000,** is ordered for a period of 36 months or for the period of earned early release awarded under RCW 9.94A.150 whichever is longer. **Appendix H** for Community Custody Conditions and **Appendix J** for sex offender registration is attached and incorporated herein.

(c) [X] **COMMUNITY CUSTODY** - pursuant to RCW 9.94A.120(11) **for qualifying crimes committed after 6-30-2000** is ordered for the following established range:

[X] Sex Offense, RCW 9.94A.030(36) - 36 to 48 months
[ ] Serious Violent Offense, RCW 9.94A.030(34) - 24 to 48 months
[ ] Violent Offense, RCW 9.94A.030(41) - 18 to 36 months
[ ] Crime Against Person, RCW 9.94A.440 - 9 to 18 months
[ ] Felony Violation of RCW 69.50/52 - 9 to 12 months

or for the entire period of earned early release awarded under RCW 9.94A.150, whichever is longer. Sanctions and punishments for non-compliance will be imposed by the Department of Corrections pursuant to RCW 9.94A.205.

[X]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.137 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. The defendant shall comply with all mandatory statutory requirements of community custody set forth in RCW 9.94A.120(9)(b). **Appendix H** for Community Custody Conditions is attached and incorporated herein.

4.9 [ ] **ARMED CRIME COMPLIANCE, RCW 9.94A.103,105.** The State's plea/sentencing agreement is [ ]attached [ ]as follows:

Date: 1/28/02

JUDGE
Print Name: JAY V. WHITE

Presented by:

28264
Deputy Prosecuting Attorney, WSBA#
Print Name: Craig Sims

Approved as to form:

8342
Attorney for Defendant, WSBA #
Print Name: Madsen