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7 THE SUPERIOR COURT FOR THE STATE
8 OF WASHINGTON FOR PIERCE COUNTY

9 STATE OF WASHINGTON,

10 Plaintiff/Respondent,

11 v.

12 [REDACTED]
13 Defendant/Appellant.
14

) Case No. [REDACTED]

) (CoA No. [REDACTED])

) MOTION AND ORDER FOR RELEASE
) AND TO STAY SENTENCE PENDING
) RESOLUTION OF APPEAL
)
)
)

15 **MOTION.**

16 [REDACTED] moves this court for an order staying his sentence and releasing him from
17 custody pending the resolution of his appeal.

18 This motion is based upon the record and file herein, including the following:

19 1. Following a jury trial, [REDACTED] was convicted of one count of first degree theft and
20 two counts of second degree theft. Based on aggravating factors, the court imposed an
21 exceptional sentence upward on count one for a total sentence length of ten years. App.
22 A (judgment and sentence).

23 2. [REDACTED] is exercising his state constitutional right to appeal under article I, section 22
24 of the Washington Constitution. Appellate counsel is awaiting copies of the transcripts.

25 Based on a partial review of the filings in the trial court, appellate counsel believes there

MOTION AND ORDER FOR BAIL ON
APPEAL - 1

WASHINGTON APPELLATE PROJECT
610 MELBOURNE TOWER
1511 THIRD AVENUE
SEATTLE, WASHINGTON 98101
(206) 587-2711

will be issues of merit to raise in the appeal. Without the benefit of the transcripts, there appears to be potential issues concerning the sufficiency of the evidence and the admission of prior bad acts evidence under ER 404(b).

3. An appeal bond has not been set in this case.
4. Washington State is in the throes of a pandemic from COVID-19, also known as the coronavirus. As the Washington Supreme Court recognized in its order addressing the pandemic on March 20, 2020, we are in a state of emergency and measures are necessary to mitigate crisis. IN THE MATTER OF THE STATEWIDE RESPONSE BY WASHINGTON STATE COURTS TO THE COVID-19 PUBLIC HEALTH EMERGENCY. Available at <http://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20Orders/Supreme%20Court%20Emergency%20Order%20re%20CV19%20031820.pdf>.
5. COVID-19 can cause serious illness and death. Older adults or persons with underlying medical conditions are at a greater risk.
6. [REDACTED] who was born on [REDACTED] is 53 years old. As recounted by his trial counsel in the defense sentencing brief, [REDACTED] “physical health is likely to rapidly decline as he approaches age 60.” App. B (defense sentencing brief), p. 12. Thus, the danger of COVID-19 to his health is significant. And even people who are younger or in good health are at risk of serious illness or death from COVID-19.
7. [REDACTED] is currently housed at the Monroe Correctional Complex-WA State Reformatory.
8. Several staff members and inmates at the Monroe Correctional Complex have tested positive for COVID-19. <https://www.doc.wa.gov/news/2020/04072020p.htm>; <https://www.doc.wa.gov/news/covid-19.htm>. On April 8, 2020, due to the conditions and the news about the positive tests, over 100 inmates at the minimum security unit at

Monroe engaged in a demonstration that caused a disturbance.

<https://www.doc.wa.gov/news/2020/04082020p.htm>;

<https://www.king5.com/article/news/crime/coronavirus-disturbance-at-monroe-corrections-complex/281-d41aff45-3a6c-409e-aca6-fc35160d7b62>

9. To mitigate the risk of illness or death due to COVID-19, [REDACTED] is asking this Court to stay his sentence pending resolution of his appeal. This Court has authority to do so.

RAP 7.2(f); CrR 3.2(h).

10. As recognized recently by the Massachusetts Supreme Court, in considering a stay of a sentence pending appeal, “a judge must give careful consideration not only to the risks posed by releasing the defendant -- flight, danger to others or to the community, and likelihood of further criminal acts -- but also, during this pandemic, to the risk that the defendant might die or become seriously ill if kept in custody.” Christie v. Commonwealth, SJC-12927, 2020 WL 1545877, at *1 (Mass. Apr. 1, 2020).

11. In this case, [REDACTED] was convicted of theft, a non-violent offense. His criminal history consists of non-violent offenses. App. A (judgment and sentence).

12. [REDACTED] has a supportive wife and place to reside.

13. The risk to the community or of flight is minimal and does not justify denial of an appeal bond.

14. To mitigate the risk of death or serious illness to [REDACTED] a stay of his sentence is appropriate while [REDACTED] exercises his state constitutional right to appeal.

15. Given the unique circumstances, [REDACTED] contends that personal recognizance is appropriate. Standard conditions are appropriate and reasonable.

16. Alternatively, bail in an amount between \$0 and \$150,000 is appropriate. Prior to being found guilty, bail was set at \$150,000 with conditions. App. C.

1 DATED this 10th day of April, 2020.

2 WASHINGTON APPELLATE PROJECT

3
4 /s/

5 Richard Lechich (WSBA 43296)
6 Counsel for Appellant [REDACTED]
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1 THE SUPERIOR COURT FOR THE STATE
2 OF WASHINGTON FOR PIERCE COUNTY

3 STATE OF WASHINGTON,)

4 Plaintiff/Respondent,)

5 v.)

Case No. [REDACTED]

(CoA No. [REDACTED])

6) CONDITIONS OF RELEASE PENDING
7) APPEAL

8 Defendant/Appellant.)
9

10 THIS MATTER having come on regularly before the above entitled Court, upon application
11 of the defendant for an order approving his release pursuant to RAP 7.2(f) and CrR 3.2(h) on bail
12 pending appeal, therefore,

13 IT IS HEREBY ORDERED that the above-named defendant/appellant **may/may not** be
14 released from custody upon satisfactory posting of bail in the amount of \$ _____, and

15 IT IS FURTHER ORDERED the defendant comply with the following terms and
16 conditions of his release

17 _____
18 _____
19 _____

20 by previous order of this Court, and the same is hereby confirmed.
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25

1 DONE IN OPEN COURT this ____ day of April, 2020.

2
3
4 Honorable Jerry T. Costello
Pierce County Superior Court Judge

5 Presented by:

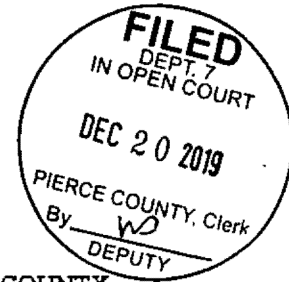
6 /s/

7 Richard Lechich (WSBA 43296)
8 Attorney for [REDACTED]

9 Approved as to form:

10
11 Kristie Barham (WSBA 32764)
12 Pierce County Deputy Prosecuting Attorney

Appendix A



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: [REDACTED]

vs.

WARRANT OF COMMITMENT

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

Defendant.

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).

WARRANT OF COMMITMENT -1

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

Dated: 12-20-19



By direction of the Honorable

Jerry Costello
JUDGE

JERRY T. COSTELLO KEVIN STOCK

CLERK

By: Dorilee Reyes
DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF

Date DEC 23 2019 By Dorilee Reyes Deputy

STATE OF WASHINGTON

ss:

County of Pierce

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

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

_____ day of _____, _____

KEVIN STOCK, Clerk

By: _____ Deputy

mkr





SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. [REDACTED]

vs.

JUDGMENT AND SENTENCE (JS)

Defendant.

☒ Prison
☐ RCW 9.94A.712/9.94A.507 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

SID: WA16351576

DOB: 09/24/1966

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

11-14-19
by ☐ plea ☒ jury-verdict ☐ bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
1	THEFT IN THE FIRST DEGREE (JJ92)	9A.56.020(1)(c) 9A.56.030(1)(a) 9.94A.535(3)(d)	NONE	05/01/2018 - 05/31/2018	TACOMA PD #1828901513
2	THEFT IN THE SECOND DEGREE (JJ93)	9A.56.020(1)(a) 9A.56.040(1)(a) 9.94A.535(3)(d)	NONE	06/01/2018 - 06/30/2018	TACOMA PD #1828901513
3	THEFT IN THE SECOND DEGREE (JJ93)	9A.56.020(1)(a) 9A.56.040(1)(a) 9.94A.535(3)(d)	NONE	07/01/2018 - 07/31/2018	TACOMA PD #1828901513

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Harm, 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 (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	FTC		DISTRICT COURT 1 (TACOMA)	11-17-1989	A	MISD
2	FTC		DISTRICT COURT 1 (TACOMA)	11-29-1989	A	MISD
3	FTC		DISTRICT COURT 1 (TACOMA)	02-13-1990	A	MISD
4	FTC		DISTRICT COURT 1 (TACOMA)	04-18-1990	A	MISD
5	FTAS		DISTRICT COURT 1 (TACOMA)	11-26-1990	A	MISD
6	NVOL		DISTRICT COURT 1 (TACOMA)	01-10-1991	A	MISD
7	DWLS/FTAS		TACOMA MUNICIPAL COURT	07-16-1991	A	MISD
8	DWLS/FTAS		DISTRICT COURT 1 (TACOMA)	08-10-1991	A	MISD
9	DWLS/FTAS		TACOMA MUNICIPAL COURT	10-22-1991	A	MISD
10	NVOL		DISTRICT COURT 1 (TACOMA)	02-22-1992	A	MISD
11	DWLS/FTAS		TACOMA MUNICIPAL COURT	06-12-1992	A	MISD
12	DWLS/FTAS		TACOMA MUNICIPAL COURT	07-24-1992	A	MISD
13	THEFT 3		DISTRICT COURT 1 (TACOMA)	09-16-1992	A	MISD
14	DWLS		TACOMA MUNICIPAL COURT	08-28-1993	A	MISD
15	DWLS		DISTRICT COURT 1 (TACOMA)	11-18-1993	A	MISD
16	DWLS		DISTRICT COURT 1 (TACOMA)	11-22-1993	A	MISD
17	DWLS		DISTRICT COURT 1 (TACOMA)	11-29-1993	A	MISD
18	DWLS		TACOMA MUNICIPAL COURT	12-01-1993	A	MISD
19	DWLS		DISTRICT COURT 1 (TACOMA)	12-21-1993	A	MISD
20	DWLS		DISTRICT COURT 1 (TACOMA)	07-28-1994	A	MISD
21	CITY LIC VIO		MCCREST MUNICIPAL COURT	11-20-1995	A	MISD
22	THEFT 3		DISTRICT COURT 1 (TACOMA)	03-27-1996	A	MISD
23	THEFT 3		DISTRICT COURT 1 (TACOMA)	03-27-1996	A	MISD
24	THEFT		DISTRICT COURT 1 (TACOMA)	04-02-1996	A	MISD

25	DWLS		DISTRICT COURT 1 (TACOMA)	04-05-1996	A	MISD
26	DWLS		TACOMA MUNICIPAL COURT	06-13-1996	A	MISD
27	DWLS		TACOMA MUNICIPAL COURT	07-23-1996	A	MISD
28	DWLS		TACOMA MUNICIPAL COURT	08-04-1996	A	MISD
29	THEFT 3		LAKEWOOD MUNI COURT	09-15-1996	A	MISD
30	DWLS		DISTRICT COURT 1 (TACOMA)	09-23-1996	A	MISD
31	DWLS		LAKEWOOD MUNI COURT	10-24-1996	A	MISD
32	DWLS		TACOMA MUNICIPAL COURT	08-25-1997	A	MISD
33	THEFT 3		DISTRICT COURT 1 (TACOMA)	12-05-1997	A	MISD
34	DWLS/FALSE STATEMENTS		DISTRICT COURT 1 (TACOMA)	12-07-1997	A	MISD
35	DWLS		DISTRICT COURT 1 (TACOMA)	12-26-1998	A	MISD
36	THEFT 3		LAKEWOOD MUNI COURT	02-12-1999	A	MISD
37	DWLS 3		LAKEWOOD MUNI COURT	12-01-1999	A	MISD
38	DWLS 3		LAKEWOOD MUNI COURT	12-14-1999	A	MISD
39	DWLS 3		LAKEWOOD MUNI COURT	02-21-2000	A	MISD
40	THEFT 3		LAKEWOOD MUNI COURT	06-30-2001	A	MISD
41	THEFT 3		LAKEWOOD MUNI COURT	12-15-2004	A	MISD
42	THEFT 3		LAKEWOOD MUNI COURT	06-28-2005	A	MISD
43	CRIM TRSP 1		SUPERIOR CT - PIERCE CTY	03-27-2016	A	MISD
44	FAILURE TO OBTAIN BUSINESS LIC		SUPERIOR CT - PIERCE CTY	05-27-2016	A	MISD
45	THEFT IN THE SECOND DEGREE	07-22-1993	SUPERIOR CT - PIERCE CTY	02-10-1993	A	NV
46	THEFT IN THE SECOND DEGREE	09-16-1993	SUPERIOR CT - PIERCE CTY	08-19-1993	A	NV
47	THEFT IN THE SECOND DEGREE	07-08-1999	SUPERIOR CT - PIERCE CTY	11-26-1997	A	NV
48	UDCS COCAINE	04-06-2000	SUPERIOR CT - PIERCE CTY	02-11-2000	A	NV
49	CONSP UDCS (COCAINE) W/SCHOOL ENHANCEMENT	03-08-2002	SUPERIOR CT - PIERCE CTY	09-19-2001	A	NV
50	ESCAPE 2	03-08-2002	SUPERIOR CT - PIERCE CTY	09-19-2001	A	NV
51	UPCS COCAINE	02-22-2007	SUPERIOR CT - PIERCE CTY	06-26-2005	A	NV
52	THEFT 1	02-20-2007	SUPERIOR CT - PIERCE CTY	09-27-2005	A	NV
53	ORGANIZED CRIME - LEADING	02-20-2007	SUPERIOR CT - PIERCE CTY	09-27-2005	A	NV
54	THEFT 2	02-20-2007	SUPERIOR CT - PIERCE CTY	09-27-2005	A	NV
55	THEFT 2	02-20-2007	SUPERIOR CT - PIERCE CTY	09-27-2005	A	NV
56	THEFT 2	02-20-2007	SUPERIOR CT - PIERCE CTY	09-27-2005	A	NV
57	THEFT 2	02-20-2007	SUPERIOR CT - PIERCE CTY	09-27-2005	A	NV

58	THEFT 2	02-20-2007	SUPERIOR CT - PIERCE CTY	09-27-2005	A	NV
59	THEFT 2	02-20-2007	SUPERIOR CT - PIERCE CTY	09-27-2005	A	NV
60	THEFT 2	02-20-2007	SUPERIOR CT - PIERCE CTY	09-27-2005	A	NV
61	UPCS	02-04-2011	SUPERIOR CT - PIERCE CTY	04-21-2010	A	NV
62	UPCS		SUPERIOR CT - PIERCE CTY	08-19-2015	A	NV
63	UPCS	10-26-2015	SUPERIOR CT - PIERCE CTY	08-19-2015	A	NV
64	THEFT 2		SUPERIOR CT - PIERCE CTY	03-05-2018	A	NV
65	THEFT 2		SUPERIOR CT - PIERCE CTY	03-06-2018	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
1	9+	II	43-57 MONTHS	NONE	43-57 MONTHS	10 YEARS
2	9+	I	22-29 MONTHS	NONE	22-29 MONTHS	5 YEARS
3	9+	I	22-29 MONTHS	NONE	22-29 MONTHS	5 YEARS

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

[] within [] below the standard range for Count(s) _____

[X] above the standard range for Count(s) I, II, III

[] 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.

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

Findings of fact and conclusions of law are attached in Appendix 2.4. [X] Jury's special interrogatory is attached. The Prosecuting Attorney [X] 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 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):

[X] The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:

Defendant is indigent.

2.6 [] **FELONY FIREARM OFFENDER REGISTRATION.** The defendant committed a felony firearm offense as defined in RCW 9.41.010.

[] The court considered the following factors:

[] the defendant's criminal history.

[] whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.

[] evidence of the defendant's propensity for violence that would likely endanger persons.

[] other: _____

[] The court decided the defendant [] should [] should not register as a felony firearm offender.

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

RTNRJN \$ 11,829.68 Restitution to: Melvin Mesick

\$ _____ 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 *Waived*

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

FRC \$ ~~200.00~~ Criminal Filing Fee *Waived*

FCM \$ _____ Fine

JFR \$ _____ Jury Fee

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ _____ Other Costs for: _____

\$ _____ Other Costs for: _____

\$ 12,329.68 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 _____

☒ 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).

[X] 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 month commencing _____. 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 restitution 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. No interest shall accrue on non-restitution obligations imposed in this judgment. 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 Melvin Mesick 7-23-43 (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.

4.4a 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 unless forfeited by agreement in which case no claim may be made. 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 OVER ONE YEAR. The defendant is sentenced as follows:

(a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

120 months on Count 1 months on Count

60 months on Count 2 months on Count

60 months on Count 3 months on Count

Cts II, III Concurrent w/ each other & Concurrent w/ Count I
Actual number of months of total confinement ordered is: 120 months

(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

[] The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____.

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9.94A.589. All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, sexual motivation, VUCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: Consecutive to 18-1-01156-8 basis

Served now.

The sentence herein shall run consecutively to all felony sentences in other cause numbers imposed prior to the commission of the crime(s) being sentenced. The sentence herein shall run concurrently with felony sentences in other cause numbers imposed after the commission of the crime(s) being sentenced except for the following cause numbers. RCW 9.94A.589: _____

Confinement shall commence immediately unless otherwise set forth here: _____

(c) Credit for Time Served. The defendant shall receive credit for eligible time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served. No time served on this act. Defendant serves

4.6 [] COMMUNITY PLACEMENT (pre 7/1/00 offenses) is ordered as follows:

Count _____ for _____ months;

Count _____ for _____ months;

Count _____ for _____ months;

[] COMMUNITY CUSTODY (To determine which offenses are eligible for or required for community custody see RCW 9.94A.701)

The defendant shall be on community custody for:

Count(s) _____ 36 months for Serious Violent Offenses
Count(s) _____ 18 months for Violent Offenses
Count(s) _____ 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

Note: combined term of confinement and community custody for any particular offense cannot exceed the statutory maximum. RCW 9.94A.701.

(B) While on community placement or 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) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (9) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706 and (10) for sex offenses, submit to electronic monitoring if imposed by DOC. The defendant's residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

The court orders that during the period of supervision the defendant shall:

- ☐ consume no alcohol.
- ☐ have no contact with: _____
- ☐ remain ☐ within ☐ outside of a specified geographical boundary, to wit: _____
- ☐ not serve in any paid or volunteer capacity where he or she has control or supervision of minors under 13 years of age
- ☐ participate in the following crime-related treatment or counseling services: _____
- ☐ undergo an evaluation for treatment for ☐ domestic violence ☐ substance abuse
- ☐ mental health ☐ anger management and fully comply with all recommended treatment
- ☐ comply with the following crime-related prohibitions: _____
- ☐ Other conditions: _____
- ☐ For sentences imposed under RCW 9.94A.702, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

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.

PROVIDED: That under no circumstances shall the total term of confinement plus the term of community custody actually served exceed the statutory maximum for each offense

4.7 [] **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 **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: _____

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): _____

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 Count _____ 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: 12-20-19

JUDGE

Print name

JERRY T. COSTELLO

[Signature]
Deputy Prosecuting Attorney

Print name: Sven Nelson

WSB # 24235

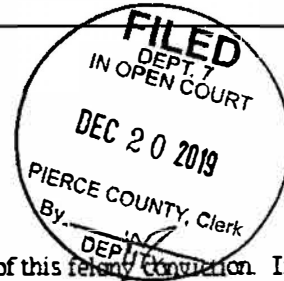
[Signature]
Attorney for Defendant

Print name: Mrs Van Vechten

WSB # 47320

[Signature]
Defendant

Print name: _____



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.

Defendant's signature: [Signature]

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CERTIFICATE OF CLERK

CAUSE NUMBER of this case: [REDACTED]

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

KARLA THOMAS

Court Reporter

IDENTIFICATION OF DEFENDANT

Alias name, SSN, DOB:

Race:

☐ Asian/Pacific
Islander

☒ Black/African-
American

☐ Caucasian

Ethnicity:

☐ Hispanic

Sex:

☒ Male

☐ Native American

☐ Other: :

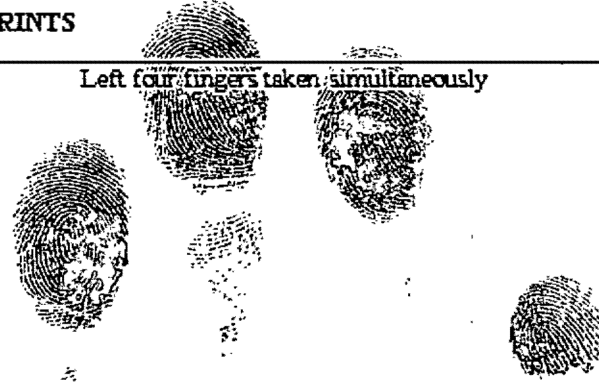
☒ Non-
Hispanic

☐ Female

FINGERPRINTS

Left four fingers taken simultaneously

Left Thumb



Right Thumb

Right four fingers taken simultaneously



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.

Dated: 12-20-19

DEFENDANT'S SIGNATURE:

DEFENDANT'S ADDRESS:

Appendix B

December 16 2019 8:30 AM

KEVIN STOCK
COUNTY CLERK
NO: [REDACTED]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiff,

vs.

Case No.: [REDACTED]

SENTENCING BRIEF

[REDACTED]
Defendant

To: Pierce County Superior Court Clerk
And: Pierce County Prosecuting Attorney

COMES NOW the Defendant, [REDACTED] by and through the undersigned attorney of record, and submits the following sentencing brief in the afore-captioned case which was put to a jury on November 4, 2019. Said jury convicted [REDACTED] of one count of Theft in the first degree and two counts of theft in the second degree on November 14, 2019. Furthermore, the jury found that these crimes were perpetrated against a victim who was "particularly vulnerable" and that they constituted "major economic offenses."

The Defense requests that the Court give [REDACTED] an exceptional up concurrent sentence of 60 months on counts two and three. The Defense further requests a consecutive prison-based DOSA sentence of 25/25 on count one. Collectively, this would be a sentence of 85 months in custody followed by 25 months of community custody.

In the alternative, the Defense requests the Court sentence [REDACTED] to 120 months on count 1, concurrent with all other counts.

SENTENCING BRIEF - 1

LAW OFFICE OF CHRIS VAN VECHTEN
705 S 9th St., Space 206,
Tacoma, WA, 98405
(253) 666-8987 Chris@soundlawyering.com

1 In support of this brief, counsel submits the following declaration.

2 DATED this 15 day of December, 2019

3
4
5 

6 Chris Van Vechten, Attorney for Defendant
7 WSBA # 47320

8 **FACTS AND DECLARATION OF COUNSEL**

9 I, Chris Van Vechten, hereby certify and declare as follows:

10 **Summary of Jury Trial & the relevant Procedural Posture.**

11 The State accused [REDACTED] of stealing \$14,679.68 from Melvin Mesick between May
12 11, 2018 and July 19, 2018. The total sum was divided into three counts by month: one count of
13 theft in the first degree and two counts of theft in the second degree. The State presented dual
14 theories for how [REDACTED] perpetrated these crimes that were both first challenged via
15 Knapstad motion on June 3, 2019, before the Honorable Frank Cuthbertson, and subsequently
16 via jury trial which began November 4, 2019, before the Honorable Jerry Costello. The State's
17 principal theory was that [REDACTED] had committed theft by deception via a landscaping scheme.
18 The secondary theory the State presented was that [REDACTED] was guilty of theft under the prong
19 of "wrongful taking of property" prefaced on the fact that, per orders from the Department of
20 Corrections and the Pierce County Superior Court, he was not permitted to be operating a
21 landscaping business without prior approval. Therefore, any proceeds from said business were
22 wrongfully obtained. Both theories were challenged before Judge Cuthbertson on June 3, 2019,
23 per the Knapstad motion. Both theories were allowed to proceed to trial.

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25
26
27 At trial, Judge Costello granted the State's motion to admit evidence and the testimony of
28 a minor witness to a previous conviction from 2005 via Gerald Buettner over the Defense's

1 objection. This ultimately resulted in the admission of 9 detailed theft convictions, followed by a
2 tenth to further impeach [REDACTED] credibility upon taking the witness stand.

3 Gerald Buettner's testimony was largely consistent with his previous testimony against
4 [REDACTED] as expressed in written statements he prepared in 2006 and testimony he gave in
5 2012, except that for the first time he claimed that [REDACTED] had told him he had mailed him a
6 reimbursement check for \$5,000 and that it must have been lost in the mail. Previously, Mr.
7 Buettner had testified that [REDACTED] had agreed to send him a certified check in the mail and
8 never done so, but Mr. Buettner never testified that [REDACTED] had in fact claimed to have done
9 so in either 2006 or 2012. At least, if he did, Defense Counsel has not found it in the transcripts
10 or sworn statements. Nevertheless, Defense Counsel elected not to attempt impeachment by
11 citing the omission from Mr. Buettner's previous sworn testimony out of fear that doing so
12 would likely invite Mr. Buettner to comment on the 2012 case in a context that the Court's
13 pretrial rulings had made extremely problematic.

14 Specifically, Judge Costello had denied the Defense's efforts to admit evidence that the
15 DOC condition preventing [REDACTED] from engaging in the business of landscaping came in the
16 wake of an acquittal in 2012, fearing such evidence would invite the jury to engage in improper
17 speculation per ER 403. The Defense argued that such evidence was admissible primarily to (1)
18 better explain [REDACTED] relationship with DOC and his actions in response to their
19 supervision; (2) counter the assertion – which Officer Garrison subsequently testified to – that
20 conditions of probation reflect “offender cycles” and that DOC was reasonably willing to work
21 with and assist [REDACTED] in his transition to the community; and (3) reinforce the overall theory
22 of the Defense that [REDACTED] was being set up to fail by law enforcement.

1 This issue was revisited during the trial when Deputy Prosecutor Sven Nelson cross
2 examined Defense witness Stephen Morrison concerning the loan for legal expenses he had
3 made to [REDACTED]. Inquiring as to what [REDACTED] had told him to procure the loan, Mr.
4 Morrison testified that [REDACTED] had said he had been accused of this thing before and
5 acquitted. Mr. Nelson seized on the acquittal statement, implying through his questioning that
6 Mr. Morrison had been duped. The Defense moved again for the admission of evidence of the
7 acquittal, arguing that Mr. Nelson's question and subsequent comment had surely opened the
8 door on this issue. The motion was again denied.
9

10
11 Subsequently, during cross examination of [REDACTED] Mr. Nelson asked approximately
12 when he had been released from prison following the Buettner case. [REDACTED] answered in
13 2010. Mr. Nelson then asked when the DOC condition preventing him from engaging in
14 landscaping had been put into place. The purpose of this question was to set up the argument
15 Mr. Nelson later delivered in closing that [REDACTED] previous convictions were not affected by
16 the interference of law enforcement but were rather a reflection of [REDACTED] conduct. The
17 correct answer to Mr. Nelson's question was 2015, but [REDACTED] – later explaining that he
18 believed the question could not be honestly answered otherwise – responded “well, I had just
19 come off an acquittal...” Defense Counsel objected and the jury was removed. Judge Costello
20 reprimanded [REDACTED] for violating his clear instructions regarding this topic and invited both
21 sides to move for a mistrial. Neither side felt that mistrial was in their best interest and the trial
22 continued to verdict.
23
24

25 Aside from [REDACTED] intent, the primary issue at trial was the value of the damage he
26 caused Mr. Mesick. During trial Mr. Mesick himself finally acknowledged – for the first time –
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28

1 that he had wrongly assigned a \$1550 cash withdrawal on July 2, 2018 to [REDACTED] But it was
2 those sums in count 1 which were of primary importance.

3 At trial, Mr. Mesick testified that he had given [REDACTED] \$6398 for the month of May.
4 According to Detective Schieferdecker, in October of 2018, he had admitted [REDACTED] had
5 earned \$1600 of that via landscaping services. During his interview with Defense Counsel in
6 January of 2019, Mr. Mesick had actually claimed [REDACTED] had earned “nothing,” though
7 private investigator Jeremy Pawloski thought this might have been a statement of dissatisfaction
8 rather than an actual estimate of value. Regardless, at trial, Mr. Mesick again reassessed the
9 value of [REDACTED] work and determined that [REDACTED] had earned only \$1200. For his part,
10 [REDACTED] testified that he felt he had earned at least \$1600. Michael Booker – a witness for the
11 Defense – testified that he estimated the value of the work that he personally did over the course
12 of two days was “about a thousand” for which he was paid \$100 by [REDACTED] as a favor.

13 The difference in estimates was significant because \$6398 minus \$1200 equals \$5198: a
14 theft in the first degree; whilst \$6398 minus \$1600 equals \$4798: a theft in the second degree.

15 Additionally, [REDACTED] disputed the claim that he had somehow benefited from a \$30
16 stop payment fee on a check that Mr. Mesick had given him that was incurred on May 14, 2018.
17 The State seemed willing to concede to that in their closing argument. Also, [REDACTED] did not
18 feel responsible for the \$400 Mr. Mesick gave to Mr. Wilson on an unspecified date in May that
19 promptly resulted – by all accounts – in the termination of said person from [REDACTED] crew.
20 Speaking with those jurors who remained following verdict about this issue, Defense Counsel
21 was informed that it was the opinion of the jury that – but for [REDACTED] Mr. Wilson would not
22 have even been there – and thus [REDACTED] was responsible for any thefts committed by Mr.
23 Wilson. Without evidence that Mr. Wilson was operating as part of a criminal conspiracy under
24

1 [REDACTED] direction, Defense Counsel disputes the validity of this conclusion by the jury. In
2 hindsight, it was perhaps error to even admit this \$400 sum into evidence given that Mr. Wilson
3 was not called as a witness and his statements to Mr. Mesick were surely hearsay. Defense
4 Counsel does not recall whether he objected or – if he did not – why he did not. Had this been
5 admitted into evidence, [REDACTED] could not have been convicted of theft 1 unless the jury
6 believed that by working he was also committing a theft because the work was unauthorized.
7

8 Finally, [REDACTED] testified that he never received an \$800 in branch withdrawal from Mr.
9 Mesick on May 21, 2019. Presumably, the jury just did not believe him.
10

11 Defense Counsel was unable to determine how the jury concluded there was proof
12 beyond reasonable doubt with regard to the shifting value of Mr. Mesick's estimate of Mr.
13 [REDACTED] work. This was by far the most important issue in terms of assigning the value to this
14 count. Regardless, the sum ultimately argued by the state was only barely above the \$5,000
15 threshold required in count one.
16

17 [REDACTED] CRIMINAL HISTORY & OFFENDER SCORE

18 [REDACTED] criminal history is inexcusably long and – strangely enough – has been
19 entirely confined to conduct in Pierce County. By Defense Counsel's calculations, [REDACTED]
20 has been convicted of 23 felonies, all in Pierce County Superior Court, since 1993. Of these, 16
21 have been felony theft counts. Of these 16 theft convictions, 14 have concerned fact patterns
22 similar to the case at bar. Of these 14, eight are derived from the Buettner case that was brought
23 into evidence at trial under ER 404(B); two were derived from the Grimes case – for which Mr.
24 [REDACTED] has been imprisoned throughout the entire procedural posture of this case; and three
25 counts are before the Court for sentencing.
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1 [REDACTED] has also been convicted of five separate felony drug possession offenses
2 between 2000 and 2015. Defense Counsel represented [REDACTED] in the unlawful possession of
3 a controlled substance case that was filed under cause number [REDACTED] and has represented
4 him three times since in Pierce County Superior Court.
5

6 His offender score appears to be 23.

7 [REDACTED] **HIMSELF**

8 It would be fair to say that the bulk of [REDACTED] life has been defined by his
9 experience in the criminal justice system. While generally considered a pleasant, nonviolent
10 offender, [REDACTED] has had legal spats with CCOs and guards from time to time. In 2003, he
11 was a plaintiff in a lawsuit brought via his then attorney Thomas Olmstead concerning an injury
12 he sustained when he was hit by a car while working for a Cedar Creek Corrections work crew.
13 According to the complaint, [REDACTED] requested medical assistance following the collision but
14 after a cursory check was denied treatment. See [REDACTED] v Erin Egan, Pierce County
15 Superior Court [REDACTED] [REDACTED] has frequently complained of pain to jail staff, CCOs,
16 and attorneys ever since.
17
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19 Multiple people who have spent extensive time with [REDACTED] have questioned his
20 ability to fully appreciate the consequences of his actions or to distinguish between his ambitions
21 and reality. This includes several of his victims, his family members, his friends and his lawyers.
22 His most recent prior lawyer – Michael J Underwood – actually filed a 10.77 competency
23 evaluation in this case.
24

25 Defense Counsel has never questioned [REDACTED] competency, but like many of his
26 previous attorneys he has been concerned about [REDACTED] ability to accurately interpret the
27 world around him and the effect of his actions. Additionally, there is obvious obsessive
28

1 compulsivity surrounding [REDACTED] that probably distracts and limits his ability to function
2 with others. If nothing else, it makes him very difficult to work with and often causes him to get
3 distracted from the bigger picture. Defense Counsel could easily imagine [REDACTED] failing to
4 achieve tasks or satisfy expectations because of getting sidetracked by day-to-day issues like
5 cleanliness and minor legal or technical procedures.
6

7 Furthermore, Defense Counsel believes these problems have been compounded by
8 persistent drug usage. During his 10.77 evaluation, [REDACTED] self-reported consuming alcohol
9 starting at the age of 8 and marijuana at the age of 9. He first started experimenting with cocaine
10 at the age of 10, and became a compulsive user by the age of 21. All five of his drug convictions
11 have been centered around cocaine, but [REDACTED] has also been punished for methamphetamine
12 use while on DOC supervision, and has self-reported also using Adderall and Percocet. Mr.
13 Mesick commented at several points during the investigation that he suspected [REDACTED] was
14 using drugs during their relationship.
15

16 [REDACTED] has been married three times, and has five children, four of whom he
17 maintains relationships with as adults. [REDACTED] is 53 years old, and – by DOC’s admission –
18 has the benefit of a stable home life with a committed wife who has a solid legitimate source of
19 income and no prior criminal history. It is astounding to the parties involved why [REDACTED] has
20 felt the need to engage in the business of landscaping: legitimately or otherwise. There is no
21 essential need for money, housing, transportation, or anything else motivating his actions.
22

23 [REDACTED] testified at trial that the purpose of the loans he received from Mr. Mesick and
24 others was to pay legal expenses, including bail and attorney fees, in addition to stuff related to
25 the landscaping business he was running. Mr. Morrison corroborated some of that by testifying
26 to the nature of the loan he gave [REDACTED] Mr. Mesick was actually present for some of the
27
28

1 purchases he made with Mr. Mesick's money and it was exclusively related to the landscaping
2 business. By the State's own admission, there is no evidence that [REDACTED] used the money he
3 borrowed for anything other than what he said he needed it for. It is very unlikely that much, if
4 any, of the money [REDACTED] procured from Mr. Mesick went to drugs.
5

6 Nevertheless, it is the opinion of Defense Counsel based on his years of experience
7 working with [REDACTED] that drug use and long-term drug damage has played a significant role
8 in [REDACTED] perceptions of reality.
9

10 It has long been the hope of his family that [REDACTED] would be directed to mental health
11 treatment at some point during his lengthy history with the criminal justice system. The
12 professional who reviewed him for 10.77 purposes on November 30, 2018, diagnosed [REDACTED]
13 with Narcissistic Personality Disorder. This is a condition that is primarily treated via
14 psychotherapy rather than a medication regimen, which is something the criminal justice system
15 is not presently well equipped to serve. Defense Counsel is including statements from the Mayo
16 Clinic regarding this condition with his brief in hopes that they might be useful to some future
17 professional responsible for the monitoring and supervision of [REDACTED]
18

19 [REDACTED] has a committed group of supporters in his immediate family and church
20 community. However, many of them are reluctant to speak before the Court, as they have very
21 strong feelings about what has happened to [REDACTED] over the years. This is especially true of
22 his wife – who despite never having even been accused of a crime before – has had to live like an
23 offender just by virtue of being married to [REDACTED]. This has included being forced out of her
24 own home at late hours of the night during surprise raids for evidence of illegal landscaping. It
25 included being forced to sit by the side of the road when [REDACTED] got pulled over, just for
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1 driving a vehicle assigned to someone else – as referenced by Mr. Mesick in this case. It has
2 included watching her husband get acquitted at trial – just to have his sentence revoked anyway.

3 Yet, it is Defense Counsel's belief that this trial has been good for all the parties
4 concerned, in that – despite the exclusion of evidence [REDACTED] believes the jury should have
5 considered; and the failure of Defense Counsel to better challenge the actual sums of money lost
6 vs money earned – [REDACTED] story was largely told. And after it was told, for the first time in
7 his long history, a jury found him guilty of theft.
8

9 Throughout Defense Counsel's representation of [REDACTED] he has denied any intent to
10 steal from any of his customers and viewed his failures primarily as a function of bad luck and
11 state interference. At times, [REDACTED] has not even been able to understand how anyone could
12 even believe he was guilty of these things. And his belief in his own innocence had previously
13 been reinforced by a series of jury acquittals and amendments by the State to non-theft charges in
14 the 9 years prior to the Grimes case in 2018. The resolution of the Grimes case – [REDACTED] –
15 which was concluded without even interviewing the complaining witness until after the plea,
16 solidified [REDACTED] belief in his own innocence and that he was the victim of a police/DOC
17 conspiracy.
18

19 But no matter how [REDACTED] came to sincerely believe this – and it is sincere –
20 regardless of whether it is the result of damage caused by narcotics, or a mental health issue, or
21 simply by virtue of having repeated it to himself so many times before – the fact that a jury has
22 now heard his case and convicted him as charged of theft, has been therapeutic in the sense that
23 it has deprived him of a belief that Defense Counsel suspects has motivated [REDACTED]
24 conduct. It is Defense Counsel's belief that now, in the wake of total defeat, [REDACTED] is at a
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1 place where he can examine his complicated history from the perspective of someone other than
2 himself, and that Court should take advantage of that for the benefit of the community.

3 **ARGUMENT FOR CONSECUTIVE SENTENCE WITH DOSA**

4
5 Generally, when the Court sentences an offender for two or more offenses within the
6 same cause number, the sentences are to be served concurrently pursuant to RCW
7 9.94.589(1)(a). The Court may, however, impose consecutive sentences under the exceptional
8 sentence provision of RCW 9.94A.535. Because the jury found that Mr. Mesick was particularly
9 vulnerable by virtue of the fact that he periodically used a cane, and that the theft constituted a
10 “major economic offense,” the Court has the authority to impose consecutive sentences on the
11 three counts.
12

13 RCW 9.94A.660 outlines the requirements and exclusions for a prison-based DOSA
14 sentence. [REDACTED] meets all these pre-requisites, having never having been convicted (or even
15 charged) with a violent or sex offense, nor a crime involving a weapons enhancement. He was
16 granted a DOSA following conviction in February of 2007 on the Buettner case, but it appears
17 that within 7 months of his release in 2009, he was facing drug possession charges again. *See*
18 [REDACTED] [REDACTED] was 42 at the time. He is 53 today.
19

20 The Defense recommends the Court sentence [REDACTED] to 60 months in custody on
21 counts 2 and 3, to be served concurrent to each other. The Defense asks the Court to then
22 impose a consecutive 25/25 prison based DOSA on count 1. This would calculate to 85 months
23 in custody, followed by 25 months of community supervision.
24

25 With virtually no credit for any time thus served on this cause number, the proposed
26 sentences invites the Court to consider what [REDACTED] will be at the conclusion of the
27 envisioned sentence, instead of what he presently is and has been.
28

VECHTEN

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1 First, from the community's perspective, we are considering the fate of a 53 year-old-
2 man. While the average annual cost to housing an individual inmate in 2018 in Washington
3 State ranged from more than \$31,000 to more \$44,000 per year depending on the institution, the
4 cost of housing and providing healthcare to inmates over the age of 50 is more than twice as high
5 as those below. See, "This isn't what prisons were designed for: State struggles with gaining
6 inmates" K5 News, July 11, 2019. [https://www.king5.com/article/news/local/this-isnt-what-](https://www.king5.com/article/news/local/this-isnt-what-prisons-were-designed-for-state-struggles-with-aging-inmates/281-14c3ad99-3ca9-4634-844d-00c64f0a9182)
7 [prisons-were-designed-for-state-struggles-with-aging-inmates/281-14c3ad99-3ca9-4634-844d-](https://www.king5.com/article/news/local/this-isnt-what-prisons-were-designed-for-state-struggles-with-aging-inmates/281-14c3ad99-3ca9-4634-844d-00c64f0a9182)
8 [00c64f0a9182](https://www.king5.com/article/news/local/this-isnt-what-prisons-were-designed-for-state-struggles-with-aging-inmates/281-14c3ad99-3ca9-4634-844d-00c64f0a9182). See also <https://www.doc.wa.gov/docs/publications/reports/200-AR001.pdf>.

9
10 With a proposed sentence of 85 months in custody, [REDACTED] would not transition to
11 community custody until well into age 58. Given a lifetime of poor health choices, poor genetics
12 (many of his siblings have already passed away) multiple car accidents, and a lifetime of
13 working with his hands, [REDACTED] physical health is likely to rapidly decline as he approaches
14 age 60. Simultaneously, the cost to the State of housing and caring for him will become
15 unjustifiably high for a nonviolent offender.

16
17 Although [REDACTED] has been convicted of theft multiple times, most cases have
18 concerned sums of significantly less value than the case at bar. **In fact, most of [REDACTED]**
19 **cases concern theft convictions from a time when theft in the second degree was that which**
20 **was in excess of only \$250. At least 8 of his 14 felony theft convictions would be considered**
21 **misdemeanor theft 3s today. Of those remaining 6, two are from the Grimes case currently**
22 **on appeal, one is for Charlotte Buettner (from 2005) and the remaining 3 are before the**
23 **Court.** Therefore, the scale of [REDACTED] damage can easily become deceptive. Defense
24 counsel does not believe that the cumulative non-interest value of all of [REDACTED] theft
25 convictions is in excess of the cost of just 24 months of incarceration.

1 Second, by sentencing [REDACTED] on count 1 to DOSA, the court would be placing Mr.
2 [REDACTED] back under the supervision of the Department of Corrections, who have demonstrated a
3 willingness and ability to aggressively monitor him. They could force him to seek mental health
4 counseling in addition to drug treatment and easily revoke his probation should he fail to comply.
5 Defense counsel is skeptical that, even if [REDACTED] wanted to return to the landscaping
6 business, he would physically be able to do so by the time he approaches age 60. Though Mr.
7 [REDACTED] and his family are not fond of the Department of Corrections, basic economics combined
8 with [REDACTED] track record, suggests that it is in the community's interest that [REDACTED] be
9 supervised. Again, while Defense Counsel is skeptical [REDACTED] will return to landscaping
10 given his most recent blow, it would be nice if someone forced him into therapy.
11
12

13 ARGUMENT & SENTENCE IN THE ALTERNATIVE

14 Defense Counsel does not consider DOSAs to be "gifts" as some attorneys do. Rather,
15 they reflect the Legislature's belief that criminal behavior is often not the result of a moral failing
16 but rather a chemical/mental impediment that is treatable and correctable. Defense Counsel is
17 one of many people who views [REDACTED] as such a person. Defense struggles with the
18 knowledge that [REDACTED] has never, in any of his cases from 1995 going forward, ever denied
19 any of the essential claims against him. Nor has he ever been accused of offering false names,
20 nor attempting to run when accused or confronted, nor anything else that is typical of thieves
21 Defense Counsel has previously represented. Having represented [REDACTED] since 2015 in four
22 cases now, Defense Counsel is of the opinion that [REDACTED] moral failing is that he believes
23 himself to be innocent, and he cannot understand why other people do not.
24
25

26 Such is apparently typical of someone with a narcissistic personality disorder. But this
27 condition can be treated and controlled if efforts are made to do so.
28

VECHTEN

705 S 9th St., Space 206,
Tacoma, WA, 98405
(253) 666-8987 Chris@soundlawyering.com

1 [REDACTED] is capable of empathizing with the pain of others. At one time in his life, he
2 was either inspired or confused enough to join the military. This suggests that, at one time in his
3 life, he wanted to be more than what he ultimately became. He has always attracted decent
4 people around him who were willing to overlook his past to be his friend, and often his support.
5

6 But should the Court feel that DOSA is inappropriate for someone with this record, after
7 having been convicted at trial on all counts, with all enhancements, then the Defense requests a
8 sentence of 120 months or less in custody. This presumes a statutory maximum on count 1
9 concurrent to all other counts. Anything beyond that – even with [REDACTED] record – would be
10 unjustifiably harsh.
11

12 Again, [REDACTED] was convicted of theft in the first degree because the State alleged he
13 received \$5168 (excluding the cancellation fee and the value of his labor) in the month of May.
14 This is only \$168 above the threshold for conviction on a Theft in the first degree. Defense
15 Counsel is confident that, with a different defendant, or without so much damaging evidence
16 from previous cases admitted into evidence, Mr. Mesick's shifting estimate alone for the value of
17 [REDACTED] work would have been too much for the State to overcome to prove the requisite
18 value for a theft in the first degree.
19

20 Again, while his history is lengthy, it largely reflects a time when our statutes were
21 woefully out of touch with the realities of inflation. In fact, three of the restitution claims for his
22 theft in the second-degree convictions from 2007 are for sums of less than \$250. Less than 2
23 years later, \$750 became the minimum sum to prosecute a theft 2. *See* Senate Bill 6167 (2009
24 Session). Again, 8 of his former felony theft convictions would qualify as misdemeanors today.
25
26
27

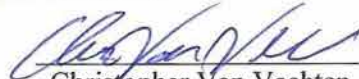
1 Again, [REDACTED] is non-violent. He told the truth as he sincerely views it at trial, and he
2 went to trial fully aware that the jury would be exposed to an uncommonly transparent view of
3 his criminal history.

4 While Defense Counsel recognizes the Court has the authority to impose more than 120
5 months in this case by running count 1 consecutively to other counts, Defense Counsel believes
6 anything more would be unjust for the individual and the community at large.
7

8 **CONCLUSION**

9 For these reasons, the Defense asks the Court to impose one of the two aforementioned
10 suggested sentences.

11 Respectfully submitted this 15 day of December, 2019.

12
13 
14 Christopher Van Vechten
15 WSBA # 47320
16 Attorney for Defendant
17
18
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23
24
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26
27



Department of
Corrections
WASHINGTON STATE

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF CORRECTIONAL OPERATIONS

514 South 13th Street
Tacoma, Washington, 98402-2159
Phone 253.207.4700 Fax 253.593.2159

TO:

☒ Pierce County Clerk's office

253.798.3428

☒ Pierce County DAC's Office

253.798.6715

☒ Defense Attorney of Record

Chris Van Vechten

RE: DOSA Screening for Superior Court Cause

Cause

Cause

Name _____

DOC#

Date Received: [REDACTED]

Hearing Date:

Number of pages

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CHEMICAL DEPENDENCY CONSENT FOR
RELEASE OF CONFIDENTIAL INFORMATION
(DOSA, COURTS, AND DOC)

[REDACTED] hereby consent to communication between the Department of Corrections Treatment Program and DOC staff, the ISRB, Court of Jurisdiction, and DOC contract providers whose job functions require this information and the following, if applicable:

The office of the Prosecuting Attorney of Pierce County.

The purpose of the disclosure is to inform the parties listed above of my attendance and progress in any treatment that may be recommended. The extent of information to be disclosed and shared is:

Chemical Dependency screening and diagnosis
Court-ordered examinations
Attendance and cooperation with the treatment program
Prognosis and recommendations for additional treatment
Other pertinent treatment information requested, as it relates to the DOSA sentence
Monthly progress reports
Drug/Alcohol test results

I understand that my records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR, Part 2, and that recipients of this information may re-disclose it only in connection with their official duties between the parties noted above, and cannot be further disclosed without my written consent unless otherwise provide for in the regulations.

I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination or revocation of my release from confinement, probation, parole, community supervision, or other proceeding under which I was mandated into treatment, OR

(Specify other time when consent can be revoked and/or expires.)

[REDACTED]

[REDACTED]

[Signature]
Signature of witness

DOC#

Date

11/28/19

Position

Date

CCO II 11/28/19

The records contained herein are protected by the Federal Confidentiality Regulations 42 CFR Part 2. The Federal Rules prohibit further disclosure of this information to parties outside of the Department of Corrections unless such disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CR Part 2.



CHEMICAL DEPENDENCY DRUG DEPENDENCE SCREEN

Screening Outcome Indicators: ~~X~~CD ~~UN~~CD

Instructions for administering the Drug Dependence Screen

The screen may be administered by a CCO or Designee and may be done in the following manner:

1. Provide the offender with a copy and ask that it be completed, in the presence of DOC/CD staff, and turn upon completion, or
2. Read the screen to the offender and circle the appropriate answers for them.

The CCO/Designee who administers the screen is responsible to complete the scoring. Do not provide the offender with a copy of the Scoring Guidelines.

During the last 12 months or before being incarcerated (if applicable):

NO YES

1. Did you use larger amounts of drugs (including alcohol) or use them for a longer time than you had planned or intended? ☐ ☒
2. Did you try to cut down on your drugs/alcohol use and were unable to do it? ☐ ☒
3. Did you spend a lot of time getting drugs/alcohol, using them, or recovering from their use? ☐ ☒
4. Did you get so high or sick from drugs/alcohol that it:
 - a. Kept you from doing work, going to school, or caring for children? ☐ ☒
 - b. Caused an accident or put you or others in danger? ☐ ☒
5. Did you spend less time at work, school, or with friend so that you could use drugs? ☐ ☒
6. In the last 6 months before incarceration, did your drug/alcohol use cause:
 - a. Emotional or psychological problems? ☐ ☒
 - b. Problems with family, friends, work, or police? ☐ ☒
 - c. Physical health or medical problems? ☐ ☒
7. Did you increase the amount of a drug/alcohol you were taking so that you could get the same effects as before? ☐ ☒
8. Did you ever keep taking a drug/alcohol to avoid withdrawal or keep from getting sick? ☒ ☐
9. Did you get sick or have withdrawal when you quit or missed taking a drug/alcohol? ☐ ☒

DOC#/Target Agency#

Date

11/28/19

10. Which drugs/alcohol cause you the MOST serious problems?

- | | | |
|-------------------------------|---------------------|---------------------|
| 0. None | 1. Alcohol | 2. Inhalants |
| 3. Marijuana | 4. Cocaine or crack | 5. Other stimulants |
| 6. Tranquilizers or sedatives | 7. Hallucinogens | 8. Opiates |

Worst Drug #	<u>Alcohol</u>
Next Drug #	<u>Cocaine</u>
Next Drug #	<u>meth</u>
Next Drug #	<u>Cocaine / crack</u>
Next Drug #	<u>Marijuana</u>

11. How often did you use each type of drug during the last 12 months or before incarceration?

- | | |
|---|--|
| A. <u>Alcohol</u> and other drugs..... | |
| B. <u>Marijuana</u> /Hashish..... | |
| C. Hallucinogens/LSD/Psychedelics/PCP/Mushrooms/Peyote..... | |
| D. <u>Crack</u> Freebase..... | |
| E. Heroin and Cocaine (mixed together as speedball)..... | |
| F. Cocaine (by itself)..... | |
| G. Heroin (by itself)..... | |
| H. Street Methadone (non-prescription)..... | |
| I. Other Opiates/Opium/Morphine/Demerol..... | |
| J. <u>Methamphetamine</u> /Speed/Ice/Other Uppers..... | |
| K. Tranquilizers/Barbiturates/Sedatives (downers)..... | |
| L. Others (specify)..... | |

NEVER	ONLY A FEW TIMES	1-3 TIMES A MONTH	1-5 TIMES A MONTH	DAILY
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. In the last 12 months or before entering prison, how often did you inject drugs with a needle?

13. How serious do you think your drug/alcohol problems are?

Not at all	Slightly	Moderately	Considerably	Extremely
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Never	1 Time	2 Times	3 Times	4 or More
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14. How many times before now have you been in a drug or alcohol treatment program (DO NOT INCLUDE AA/NA/CA MEETINGS)

Not at all	Slightly	Moderately	Considerably	Extremely
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

15. How important is it for you to get drug/alcohol treatment?



27345081 ORSR 04-19-07



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. [REDACTED]

vs.

ORDER SETTING RESTITUTION AND
DISBURSEMENT

Defendant.

THIS MATTER having come on before the undersigned judge of the above entitled court and restitution having been ordered pursuant to a criminal conviction and RCW 9.94A.753 which provides in part that restitution be ordered for easily ascertainable damage for injury or loss of property and actual expenses incurred for treatment for injury to persons and lost wages resulting from injury, but that the amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime, and the files of the Prosecuting Attorney having reflected that the following persons or entities should receive restitution; Now, Therefore, IT IS HEREBY

ORDERED that restitution in the above entitled matter be, and the same is hereby set in the sum of \$31,297.00 and the Clerk of the above entitled Court is hereby directed to disburse said funds as they are received in the manner following:

ANNABELLE TESSMAN	\$500.00
CHARLOTTE BUETTNER	\$25,000.00
ANN WERNER	\$2,000.00
CHRISTINA RAFINE	\$675.00
HELGA DARWIN	\$1,200.00
JEAN NEWMILLER	\$260.00
ARNE JOHANSEN	\$142.00
NORMAN BARRINGHAM	\$220.00
MARY STALEY	\$1,150.00
WILMA THOMPSON	\$150.00

DONE IN OPEN COURT this 13th day of April, 2007.

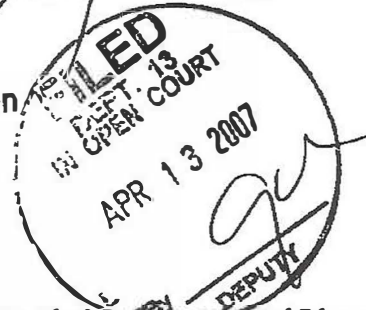
Kathryn J. Nelson
JUDGE

Presented by:

Kathryn J. Nelson

Karen D. Platt
KAREN D. PLATT

Deputy Prosecuting Attorney
WSB # 17290



I, TIMOTHY ROOSEVELT BAUGH, Cause No. 06-1-03987-6 being fully advised I have a right to be brought before the Court for a full Restitution Hearing, and to have an attorney present to represent me, and that the Court will appoint an attorney if I cannot afford one, hereby waive these rights and agree to entry of this order.

4-13-07
Date

[Signature]
Signature of Defendant

[Signature] #31251
Signature Witness or Attorney for Defendant



Narcissistic personality disorder

Overview

Narcissistic personality disorder — one of several types of personality disorders — is a mental condition in which people have an inflated sense of their own importance, a deep need for excessive attention and admiration, troubled relationships, and a lack of empathy for others. But behind this mask of extreme confidence lies a fragile self-esteem that's vulnerable to the slightest criticism.

A narcissistic personality disorder causes problems in many areas of life, such as relationships, work, school or financial affairs. People with narcissistic personality disorder may be generally unhappy and disappointed when they're not given the special favors or admiration they believe they deserve. They may find their relationships unfulfilling, and others may not enjoy being around them.

Treatment for narcissistic personality disorder centers around talk therapy (psychotherapy).

Symptoms

Signs and symptoms of narcissistic personality disorder and the severity of symptoms vary. People with the disorder can:

- Have an exaggerated sense of self-importance
- Have a sense of entitlement and require constant, excessive admiration
- Expect to be recognized as superior even without achievements that warrant it
- Exaggerate achievements and talents
- Be preoccupied with fantasies about success, power, brilliance, beauty or the perfect mate
- Believe they are superior and can only associate with equally special people
- Monopolize conversations and belittle or look down on people they perceive as inferior
- Expect special favors and unquestioning compliance with their expectations
- Take advantage of others to get what they want
- Have an inability or unwillingness to recognize the needs and feelings of others
- Be envious of others and believe others envy them

- Behave in an arrogant or haughty manner, coming across as conceited, boastful and pretentious
- Insist on having the best of everything — for instance, the best car or office

At the same time, people with narcissistic personality disorder have trouble handling anything they perceive as criticism, and they can:

- Become impatient or angry when they don't receive special treatment
- Have significant interpersonal problems and easily feel slighted
- React with rage or contempt and try to belittle the other person to make themselves appear superior
- Have difficulty regulating emotions and behavior
- Experience major problems dealing with stress and adapting to change
- Feel depressed and moody because they fall short of perfection
- Have secret feelings of insecurity, shame, vulnerability and humiliation

When to see a doctor

People with narcissistic personality disorder may not want to think that anything could be wrong, so they may be unlikely to seek treatment. If they do seek treatment, it's more likely to be for symptoms of depression, drug or alcohol use, or another mental health problem. But perceived insults to self-esteem may make it difficult to accept and follow through with treatment.

If you recognize aspects of your personality that are common to narcissistic personality disorder or you're feeling overwhelmed by sadness, consider reaching out to a trusted doctor or mental health provider. Getting the right treatment can help make your life more rewarding and enjoyable.

Causes

It's not known what causes narcissistic personality disorder. As with personality development and with other mental health disorders, the cause of narcissistic personality disorder is likely complex. Narcissistic personality disorder may be linked to:

- **Environment** — mismatches in parent-child relationships with either excessive adoration or excessive criticism that is poorly attuned to the child's experience
- **Genetics** — inherited characteristics
- **Neurobiology** — the connection between the brain and behavior and thinking

Risk factors

Narcissistic personality disorder affects more males than females, and it often begins in the teens or early adulthood. Keep in mind that, although some children may show traits of narcissism, this may simply be typical of their age and doesn't mean they'll go on to develop narcissistic personality disorder.

Although the cause of narcissistic personality disorder isn't known, some researchers think that in biologically vulnerable children, parenting styles that are overprotective or neglectful may have an impact. Genetics and neurobiology also may play a role in development of narcissistic personality disorder.

Complications

Complications of narcissistic personality disorder, and other conditions that can occur along with it, can include:

- Relationship difficulties
- Problems at work or school
- Depression and anxiety
- Physical health problems
- Drug or alcohol misuse
- Suicidal thoughts or behavior

Prevention

Because the cause of narcissistic personality disorder is unknown, there's no known way to prevent the condition. However, it may help to:

- Get treatment as soon as possible for childhood mental health problems
- Participate in family therapy to learn healthy ways to communicate or to cope with conflicts or emotional distress
- Attend parenting classes and seek guidance from therapists or social workers if needed

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Narcissistic personality disorder

Diagnosis

Some features of narcissistic personality disorder are similar to those of other personality disorders. Also, it's possible to be diagnosed with more than one personality disorder at the same time. This can make diagnosis of narcissistic personality disorder more challenging.

Diagnosis of narcissistic personality disorder typically is based on:

- Signs and symptoms
- A physical exam to make sure you don't have a physical problem causing your symptoms
- A thorough psychological evaluation that may include filling out questionnaires
- Criteria in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5), published by the American Psychiatric Association

Treatment

Treatment for narcissistic personality disorder is talk therapy (psychotherapy). Medications may be included in your treatment if you have other mental health conditions.

Psychotherapy

Narcissistic personality disorder treatment is centered around talk therapy, also called psychotherapy. Psychotherapy can help you:

- Learn to relate better with others so your relationships are more intimate, enjoyable and rewarding
- Understand the causes of your emotions and what drives you to compete, to distrust others, and perhaps to despise yourself and others

Areas of change are directed at helping you accept responsibility and learning to:

- Accept and maintain real personal relationships and collaboration with co-workers
- Recognize and accept your actual competence and potential so you can tolerate criticisms or failures
- Increase your ability to understand and regulate your feelings

- Understand and tolerate the impact of issues related to your self-esteem
- Release your desire for unattainable goals and ideal conditions and gain an acceptance of what's attainable and what you can accomplish

Therapy can be short term to help you manage during times of stress or crisis, or can be provided on an ongoing basis to help you achieve and maintain your goals. Often, including family members or significant others in therapy can be helpful.

Medications

There are no medications specifically used to treat narcissistic personality disorder. However, if you have symptoms of depression, anxiety or other conditions, medications such as antidepressants or anti-anxiety drugs may be helpful.

Lifestyle and home remedies

You may feel defensive about treatment or think it's unnecessary. The nature of narcissistic personality disorder can also leave you feeling that therapy is not worth your time and attention, and you may be tempted to quit. But it's important to:

- **Keep an open mind.** Focus on the rewards of treatment.
- **Stick to your treatment plan.** Attend scheduled therapy sessions and take any medications as directed. Remember, it can be hard work and you may have occasional setbacks.
- **Get treatment for alcohol or drug misuse or other mental health problems.** Your addictions, depression, anxiety and stress can feed off each other, leading to a cycle of emotional pain and unhealthy behavior.
- **Stay focused on your goal.** Stay motivated by keeping your goals in mind and reminding yourself that you can work to repair damaged relationships and become more content with your life.

Preparing for your appointment

You may start by seeing your doctor, or your doctor may refer you to a mental health provider, such as a psychiatrist or psychologist.

What you can do

Before your appointment, make a list of:

- **Any symptoms you're experiencing and for how long**, to help determine what kinds of events are likely to make you feel angry or upset
- **Key personal information**, including traumatic events in your past and any current major stressors
- **Your medical information**, including other physical or mental health conditions with which you've been diagnosed

- **Any medications**, vitamins, herbs or other supplements you're taking, and the dosages
- **Questions to ask your mental health provider** so that you can make the most of your appointment

Take a trusted family member or friend along, if possible, to help remember the details. In addition, someone who has known you for a long time may be able to ask helpful questions or share important information.

Some basic questions to ask your mental health provider include:

- What type of disorder do you think I have?
- Could I have other mental health conditions?
- What is the goal of treatment?
- What treatments are most likely to be effective for me?
- How much do you expect my quality of life may improve with treatment?
- How often will I need therapy sessions, and for how long?
- Would family or group therapy be helpful in my case?
- Are there medications that can help my symptoms?
- I have these other health conditions. How can I best manage them together?
- Are there any brochures or other printed materials that I can have? What websites do you recommend?

Don't hesitate to ask any other questions during your appointment.

What to expect from your mental health provider

To better understand your symptoms and how they're affecting your life, your mental health provider may ask:

- What are your symptoms?
- When do these symptoms occur, and how long do they last?
- How do your symptoms affect your life, including school, work and personal relationships?
- How do you feel — and act — when others seem to criticize or reject you?
- Do you have any close personal relationships? If not, why do you think that is?
- What are your major accomplishments?
- What are your major goals for the future?
- How do you feel when someone needs your help?
- How do you feel when someone expresses difficult feelings, such as fear or sadness, to you?
- How would you describe your childhood, including your relationship with your parents?
- Have any of your close relatives been diagnosed with a mental health disorder, such as a personality disorder?

- Have you been treated for any other mental health problems? If yes, what treatments were most effective?
- Do you use alcohol or street drugs? How often?
- Are you currently being treated for any other medical conditions?

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Appendix C

December 03 2018 2:58 PM

Pierce County Clerk

**SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE**

STATE OF WASHINGTON,

Plaintiff

No. [REDACTED]

vs.

Defendant

**ORDER ESTABLISHING CONDITIONS OF
RELEASE PENDING PURSUANT TO CrR 3.2
(orecrp)**

Arresting Agency : TACOMA POLICE DEPARTMENT

Incident Number : [REDACTED]

Charges

- THEFT IN THE FIRST DEGREE
- THEFT IN THE SECOND DEGREE
- THEFT IN THE SECOND DEGREE

THE COURT HAVING found probable cause, establishes the following conditions that shall apply pending in this cause number or until entry of a later order; IT IS HEREBY ORDERED

Release Conditions:

- ☒ Defendant shall be released upon execution of a surety bond in the amount of \$150,000.00 or posting cash in the amount of \$150,000.00.

*****NEW BAIL*****

- ☒ Bail issue reserved.

Conditions that take effect upon release from custody:

- ☒ Defendant is to reside/stay only at this address **1006 116th Cr. E. M105, Tacoma, WA USA**
- ☒ Travel is restricted to the following counties **Pierce, King, Thurston, and Kitsap Counties.**
- ☒ The defendant is not to drive a motor vehicle without a valid license and insurance.

Conditions that take effect immediately:

- ☒ Defendant is to have no violations of the criminal laws of this state, any other state, any political subdivision of this state or any other state, or the United States, during the period of his/her release.
- ☒ That the Defendant have no contact with the alleged victim(s), witness(es), co-defendant(s). and/or **Melvin Mesick and his residence.**
This includes any attempt to contact, directly or indirectly, by telephone and/or letter at their residence or place of work.
- ☒ Defendant shall not possess weapons or firearms.
- ☒ Defendant shall not consume or possess alcohol, marijuana, nonprescription drugs or knowingly associate with any known drug users or sellers, except in treatment
- ☒ Remain in contact with the defense attorney.
- ☒ Other: **Prohibited from doing yard work or to offer landscaping services unless he is an employee of a licensed business and is authorized by the business to conduct the work.**

[REDACTED] - [REDACTED]

☒ The said defendant is hereby committed to the custody of the arresting law enforcement agency to be detained by the same until the above-stated conditions of release have been met.

Dated : December 3, 2018.

Electronically Signed By
/s/STEPHANIE A AREND
JUDGE/COMMISSIONER

I agree and promise to appear before this court or any other place as this court may order upon notice delivered to me at my address stated below. I agree to appear for any court date set by my attorney and I give my attorney full authority to set such dates. I understand that my failure to appear for any type of court appearance will be a breach of these conditions of release and a bench warrant may be issued for my arrest. I further agree and promise to keep my attorney and the office of the Prosecuting Attorney informed of any change of either my address or my telephone number.

I have read the above conditions of release and any other conditions of release that may be attached. I agree to follow said conditions and understand that a violation will lead to my arrest. FAILURE TO APPEAR AFTER HAVING BEEN RELEASED ON PERSONAL RECOGNIZANCE OR BAIL IS AN INDEPENDENT CRIME, PUNISHABLE BY 5 YEARS IMPRISONMENT OR \$10,000 OR BOTH (RCW 10.19).

Address: , **WA USA**

Phone: **(253) 589-0639**


[REDACTED] _____
Defendant