



Office of the Prosecuting Attorney Scott W. Rosekrans



David W. Alvarez, Chief Deputy
Cheryl L. Potebnya, Deputy
Thomas A. Brotherton, Deputy
Christopher R. Ashcraft, Deputy
Miriam E. Norman, Deputy
Lianne Perron-Kossow, Victim Services

Jefferson County Courthouse
1820 Jefferson Street
Post Office Box 1220
Port Townsend, WA 98368
Phone: (360) 385-9180
Fax: (360) 385-0073

VIA PDF ONLY

June 18, 2012

Corbin Carson
Cronkite School of Journalism
555 N. Central Avenue
Phoenix, AZ 85004

Re: Request for information about possible voter fraud in Jefferson County WA

Dear Mr. Carson:

Your letter dated June 12, 2012 to the elected Jefferson County Prosecuting Attorney, Scott Rosekrans, a copy of which is included, was referred to me. You have asked for information relating to the "incidence of voting fraud across the country." This office does have neither an obligation nor the resources to gather the information you have requested. However, purely as a matter of information, be advised of the following:

- Jefferson County Washington has 21,000 registered voters and an infinitesimal number of possible voter fraud cases.
- The included letters and memos (spread out over about 4 years) indicate that in many cases persons voted twice by mistake.
- Actions taken by mistake lack proof of intent to vote twice.
- Intent to vote twice is a necessary element of the crime (RCW 29A.84.650-repeating a vote) and thus criminal charges would not lead to a successful prosecution and were, in all but one case, not filed. Stern letters were sent instead.
- In one case evidence indicated a husband had filled out his ballot and then knowingly completed the ballot of his wife, who was absent from the country. This led to a criminal prosecution in the case of State of Washington v. Todd McGuire, Jefferson County Superior Court Cause #08-1-00146-1. That case ended in a pre-trial diversion agreement. See the Information (indictment) and the Pre-Trial Diversion documents.
- A second case (where a felon voted) also became a criminal prosecution. See State of Washington v. Randell Lee Cole, Jefferson County Superior Court Cause #08-1-00088-1. This case ended with a pre-trial diversion that was successfully completed by the felon.
- I have worked here 12+ years, sit on the Canvassing Board, and am not familiar with any other cases in the County of a person possibly voting twice.

David Alvarez, Chief Civil Deputy Prosecuting Attorney

June 12, 2012

Dear Mr. Rosekrans

I am working with a national journalism project that is focused on voting participation issues in the United States. One of the issues we plan to address is the incidence of voting fraud across the country. To that end, this letter is a request for information about cases of vote fraud in Jefferson County.

Specifically, we are seeking the kind of information that was released in March by Texas Attorney General Greg Abbott's office. This information included the following detail on all voting fraud cases prosecuted in Texas since 2000:

- County/city
- Defendant's full name
- Allegation
- Election involved
- Case number
- Charges
- Resolution date
- Election code violated
- Disposition (plea, convicted, acquitted, sentence/fine, etc.)

I have already inquired with the Secretary of State's and the Attorney General's Offices in Washington. Both informed me that in Washington, the state does not prosecute vote fraud, and that such actions would be brought by county prosecutors. Therefore, I am asking for information similar to what Greg Abbot released about all cases of vote fraud in Jefferson County since 2000. If there have been no such prosecutions in Jefferson County since 2000, I would appreciate a letter to that effect.

Please send your reply to my reporting colleague at this address:

Corbin Carson
News21 Journalist
Corbin.Carson@News21.com
602-496-5020

Cronkite School of Journalism
555 N. Central Ave.
Phoenix, AZ 85004

Thank you for your prompt attention to this request.

Sincerely,

Stephen K. Doig
Professor, Knight Chair in Journalism

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Juelanne Dalzell

JEFFERSON COUNTY PROSECUTING ATTORNEY

Courthouse — P.O. Box 1220

Port Townsend, Washington 98368

Telephone (360) 385-9180 FAX (360) 385-0073

David W. Alvarez, Deputy Prosecutor

John Raymond, Deputy Prosecutor

Shane Seaman, Deputy Prosecutor

Cheryl Potebnya, Deputy Prosecutor

Lianne Perron-Kossow, Victim Witness Advocate

December 6, 2005

Susan M. Bishop
5597 Paradise Bay Road
Port Ludlow, WA 98365

**Re: Voting twice can lead to criminal charges
RCW 29A.84.650**

Dear Ms. Bishop:

The County Auditor has provided this office with information indicating that you apparently signed two Affidavits (or outside envelopes) in the November 2005 general election. You signed the Affidavit for the envelope containing your name and upon the envelope containing the name of one Randy S. Harder. Such action, if it indicates an attempt on your part to complete or vote two ballots, is a CRIME in this state and can lead to your imprisonment for up to five years. Mistakenly or accidentally attempting to complete two ballots allows the police to write you a ticket, akin to a speeding ticket. A copy of the applicable state law is enclosed.

The County Auditor is required by state law to send this information to the Prosecutor's Office for possible criminal prosecution. Such offenses are taken very seriously by the Auditor and this office because voting is at the core of our democracy and someone voting twice is not only attempting to take the voting right away from someone else but also destroying the equality of "one person, one vote." It will not be tolerated, despite the probable innocence of you signing the Affidavit for someone with whom you reside.

This office will not press criminal charges with respect to this activity, but will keep your name on file for likely criminal prosecution in the future if you attempt to vote twice again.

Very truly yours,

David Alvarez, Chief Civil DPA

Cc: County Auditor (w/Enc.)
Randy S. Harder (w/Enc.)

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John Raymond, Deputy Prosecutor

Shane Seaman, Deputy Prosecutor

Cheryl Potebnya, Deputy Prosecutor

Lianne Perron-Kossow, Victim Witness Advocate

December 7, 2005

Edward G. McCammon
1850 E. Marrowstone Road
Nordland, WA 98358

**Re: Voting twice can lead to criminal charges
RCW 29A.84.650**

Dear Mr. McCammon:

The County Auditor has provided this office with information indicating that you apparently signed two Affidavits (or outside envelopes) during the November 2005 general election. You signed the Affidavit for the envelope containing your name and upon the envelope containing the name of one Carolyn McCammon, presumably your wife. Such action, if it indicates an attempt on your part to complete or vote two ballots, is a CRIME in this state and can lead to your imprisonment for up to five years. Mistakenly or accidentally attempting to complete two ballots allows the police to write you a ticket, akin to a speeding ticket. A copy of the applicable state law is enclosed.

The County Auditor is required by state law to send this information to the Prosecutor's Office for possible criminal prosecution. Such offenses are taken very seriously by the Auditor and this office because voting is at the core of our democracy and someone voting twice is not only attempting to take the voting right away from someone else but also destroying the equality of "one person, one vote." Despite the apparently innocent act of signing the ballot intended for your wife, such actions cannot and will not be tolerated.

This office will not press criminal charges with respect to this election, but will keep your name on file for likely criminal prosecution in the future if you attempt to vote twice again.

Very truly yours,

David Alvarez

David Alvarez, Chief Civil DPA

Cc: County Auditor (w/Enc.)

Carolyn McCammon (w/Enc.)

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Cheryl Potebnya, Deputy Prosecutor

Lianne Perron-Kossow, Victim Witness Advocate

December 7, 2005

Carol Dersham
50 Harborview Dr., #6
Port Townsend, WA 98368

**Re: Voting twice can lead to criminal charges
RCW 29A.84.650**

Dear Ms. Dersham:

The County Auditor has provided this office with information indicating that you apparently signed two Affidavits (or outside envelopes) during the September 2005 primary election. You signed the Affidavit for the envelope containing your name and upon the envelope containing the name of one Jack R. Dersham, presumably your husband. Such action, if it indicates an attempt on your part to complete or vote two ballots, is a **CRIME** in this state and can lead to your imprisonment for up to five years. Mistakenly or accidentally attempting to complete two ballots allows the police to write you a ticket, akin to a speeding ticket. A copy of the applicable state law is enclosed.

The County Auditor is required by state law to send this information to the Prosecutor's Office for possible criminal prosecution. Such offenses are taken very seriously by the Auditor and this office because voting is at the core of our democracy and someone voting twice is not only attempting to take the voting right away from someone else but also destroying the equality of "one person, one vote." Despite the apparently innocent act of signing his ballot for your husband, such actions cannot and will not be tolerated.

This office will not press criminal charges with respect to this election, but will keep your name on file for likely criminal prosecution in the future if you attempt to vote twice again.

Very truly yours,

David Alvarez
David Alvarez, Chief Civil DPA
Cc: County Auditor (w/Enc.)
Jack Dersham (w/Enc.)

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TO: DAVID ALVAREZ
FROM: DONNA M. ELDRIDGE *Donna*
SUBJECT: MEETING WITH KARLE COPPENRATH
DATE: 12/9/2005
CC: BLY WINDSTROM; KARLE COPPENRATH

This morning I had a meeting with Karle Coppenrath. She had received your letter dated December 7, 2005 and wanted to meet.

As some background, during the Canvassing Board Meeting held Tuesday, November 22, 2005 I gave a report on the status of the General Election Vote-by-Mail ballot envelopes where the zip code was printed incorrectly. For this election we had mailed out 21,169 ballots. I reported that from precinct 705, 508 ballots, where the zip code was printed incorrectly, were mailed out on October 19. The Post Office notified us of this on Thursday, October 20. They returned to us, as undeliverable, 424. That equates to a possible 84 voters receiving two ballots. Upon further investigation, we found that not only was the zip code printed incorrectly, but on some, also the street address or post office box number was printed incorrectly.

That is the case in this situation. After meeting with Ms. Coppenrath, I am confident that she never intended to do anything incorrect. Because of the snafu with some of the addresses in precinct 705, Ms. Coppenrath received two ballots – one with her name, and one with Mr. Windstorm's name (his was addressed to her post office box). As you know we must mail out the ballots 20 days before an election. After discussion with Ms. Coppenrath, it appears that Ms. Coppenrath did not notice that it was not her name on the envelope that was in her post office box. She does not pick up that mail daily. Her daily mail goes to her home, which is where her ballot was sent. During the time from when she received a ballot at home and a ballot at her post office, a number of days had passed. She did not immediately vote. On November 1, she did vote and return both, but I don't believe it was an intentional attempt to vote twice.

If you have any questions regarding our meeting, please call me.

Thank you.

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Juelanne Dalzell

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John Raymond, Deputy Prosecutor

Shane Seaman, Deputy Prosecutor

Cheryl Potebnya, Deputy Prosecutor

Lianne Perron-Kossow, Victim Witness Advocate

March 9, 2006

Phineas F. Porter
643 Pierce Street
Port Townsend, WA 98368

**Re: Voting twice can lead to criminal charges
RCW 29A.84.650**

Dear Mr. Porter:

The County Auditor, as she is required to do by state law, has provided this office with information indicating that you apparently voted twice during the November 2004 general election. The records held by the State office responsible for the statewide voter list indicate that you voted by absentee ballot from Snohomish County and voted at your polling place here in Jefferson County. If this information indicates an intentional attempt to vote two ballots, then those actions amount to a CRIME punishable by imprisonment for up to five years. Mistakenly or accidentally attempting to complete two ballots allows the police to write you a ticket, akin to a speeding ticket. A copy of the applicable state law is enclosed.

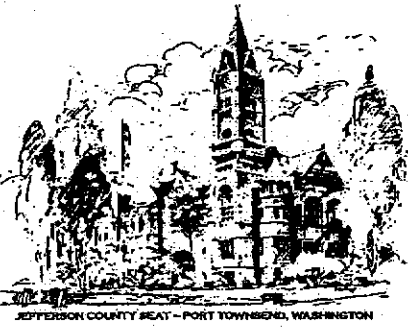
Such offenses are taken very seriously by the Auditor and this office because voting is at the core of our democracy. If someone successfully votes twice that destroys the equality of "one person, one vote." Voting twice will not be tolerated. This office will NOT press criminal charges with respect to the 2004 election on the assumption that you made an honest mistake, but will keep your name on file for likely criminal prosecution in the future if you attempt to vote twice again. Your voter registration in Snohomish County has been canceled. Please continue to vote here in Jefferson County. Very truly yours,

David Alvarez, Chief Civil DPA

Cc: County Auditor (w/Enc.)

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File



Juelanne Dalzell

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Cheryl Potebnya, Deputy Prosecutor

Lianne Perron-Kossow, Victim Witness Advocate

March 24, 2006

Tami L. Mathias
7411 Oak Bay Road
Port Ludlow, WA 98365

**Re: Voting twice can lead to criminal charges
RCW 29A.84.650**

Dear Ms. Mathias:

The County Auditor, as she is required to do by state law, has provided this office with information indicating that you apparently voted twice during the November 2004 general election. The records held by the State office responsible for the statewide voter list indicate that you voted by absentee ballot from King County (Redmond) and voted via absentee ballot here in Jefferson County. If this information indicates an intentional attempt to vote two ballots, then those actions amount to a CRIME punishable by imprisonment for up to five years. Mistakenly or accidentally attempting to complete two ballots allows the police to write you a ticket, akin to a speeding ticket. A copy of the applicable state law is enclosed.

Such offenses are taken very seriously by the Auditor and this office because voting is at the core of our democracy. If someone successfully votes twice that destroys the equality of "one person, one vote." Voting twice will not be tolerated. This office will NOT press criminal charges with respect to the 2004 election on the assumption that you made an honest mistake, but will keep your name on file for likely criminal prosecution in the future if you attempt to vote twice again. Your voter registration in King County has been canceled. Please continue to vote here in Jefferson County.

Very truly yours,

David Alvarez
David Alvarez, Chief Civil DPA

Cc: County Auditor (w/Enc.)

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West's RCWA 29A.84.650

West's Revised Code of Washington Annotated Currentness

Title 29A. Elections (Refs & Annos)

Chapter 29A.84. CRIMES and Penalties

Voting

→ 29A.84.650. Repeaters

(1) Any person who intentionally votes or attempts to vote in this state more than once at any election, or who intentionally votes or attempts to vote in both this state and another state at any election, is guilty of a class C felony.

(2) Any person who recklessly or negligently violates this section commits a class 1 civil infraction as provided in RCW 7.80.120.

CREDIT(S)

[2005 c 243 § 24, eff. July 24, 2005; 2003 c 111 § 2131, eff. July 1, 2004. Prior: 1991 c 81 § 13; 1965 c 9 § 29.85.210; prior: 1911 c 89 § 1, part; Code 1881 § 903; 1873 p 204 § 102; 1865 p 51 § 5; 1854 p 93 § 93; RRS § 5383. Formerly RCW 29.85.210.]

HISTORICAL AND STATUTORY NOTES

Effective date--1991 c 81: See note following RCW 29A.84.540.

Laws 1991, ch. 81, § 13, rewrote the section, which previously read:

"Any person who votes or attempts to vote more than once at any election, or who knowingly hands in two or more ballots together, or, having voted in one township, precinct, ward, or county, afterward, on the same day, votes or attempts to vote, in another township, precinct, ward, or county, shall be guilty of a gross misdemeanor, and shall be incapable of voting at any election or holding any office for two years thereafter."

Laws 2003, ch. 111, § 2131 reenacted the section without change.

2005 Legislation

Laws 2005, ch. 243, § 24 rewrote the section, which formerly read:

"Any person who votes or attempts to vote more than once at any primary or general or special election is guilty of a gross misdemeanor, punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021."

Source:

Laws 1854, p. 93, § 93
Laws 1865, p. 51, § 5.
Laws 1873, p. 204, § 102.
Code 1881, § 903.
Laws 1911, ch. 89, § 1.
RRS § 5383.

LIBRARY REFERENCES

2005 Main Volume

May 2, 2006

Bob Terwilliger
Snohomish County Auditor
3000 Rockefeller Avenue
Everett, WA 98201-4060

Dear Auditor Terwilliger,

I am in receipt of the attached letter from Joan T. Cavagnaro, Chief Criminal Deputy Prosecutor for Snohomish County. Ms. Cavagnaro declines to prosecute Mr. Phineas Porter on the theory that the crime of double voting was committed in Jefferson County. She further declines to request the Everett Police Department or the Snohomish County Sheriff to investigate possible forgery of the absentee ballot.

I believe that the theory that jurisdiction is determine by where the second vote was cast is questionable. There has been double voting on the same day, notably where votes were cast at the polls on Election Day in two different counties. If votes are cast on the same day, determining which vote was the second vote would be impossible without records of the time of day that poll voting or absentee ballot mailing actually occurred. Since such records are not kept the statute would be unenforceable for same day voting.

Regardless of the above, a crime has been committed in Snohomish County. Any person who knowingly votes in an election when they are not qualified is guilty of a class C felony. See RCW 29A.84.660. Mr. Porter was not qualified to vote in Snohomish County and it can be presumed that he knew that he lived in Jefferson County when the Snohomish County ballot was cast. If a different person cast the ballot by forging Mr. Porter's signature then that person should be identified and prosecuted for voting fraud.

Thank you for your efforts to provide the evidence of possible election law violations to the prosecutor's office. I would appreciate your continuing to keep me informed of follow-up actions.

Sincerely yours,

Robert M. Edelman
29871 232nd Ave SE
Black Diamond, WA 98010
(360) 886-7166

cc: Janice Ellis, Snohomish County Prosecutor
Juelanne Dalzell, Jefferson County Prosecutor
✓ Donna Eldridge, Jefferson County Auditor
Sam Reed, Washington Secretary of State

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Donna Eldridge

From: Donna Eldridge
Sent: Tuesday, January 09, 2007 11:42 AM
To: 'Blinn, Katie'
Subject: RE: Prosecutor Referrals

Katie:

For Jefferson County, the following two (2) individuals were sent letters from our Prosecuting Attorney's Office in March, 2006 for apparently voting twice during the November 2004 General Election:

Tami L. Mathias (November 2004 General Election)
 Phineas F. Porter (November 2004 General Election)

No charges were pressed.

Donna

From: Blinn, Katie [mailto:kblinn@secstate.wa.gov]
Sent: Tuesday, January 02, 2007 9:43 AM
To: auditor@auditor.co.mason.wa.us; Bill Varney; bobbie_gagner@co.benton.wa.us; brendas@co.klickitat.wa.us; Carla Heckford; auditor@co.ferry.wa.us; corky.mattingly@co.yakima.wa.us; tischerd@co.wahkiakum.wa.us; ddeal@co.garfield.wa.us; Donna Eldridge; ejohnston@co.asotin.wa.us; eunicec@co.whitman.wa.us; evelyn.arnold@co.chelan.wa.us; gzandell@co.lewis.wa.us; Greg Kimsey; garvison@co.skamania.wa.us; Jerry Pettit; kflynn@co.kitsap.wa.us; kmmartin@co.walla-walla.wa.us; wymank@co.thurston.wa.us; swansonk@co.cowlitz.wa.us; nancym@co.adams.wa.us; pgardner@co.pacific.wa.us; pmccart@co.pierce.wa.us; prosand@co.clallam.wa.us; Peggy Robbins; sharon_Richter@co.columbia.wa.us; sjohnston@co.lincoln.wa.us; sforslof@co.whatcom.wa.us; suzannes@co.island.wa.us; tduvall@co.douglas.wa.us; tgray@co.stevens.wa.us; vspatz@co.grays-harbor.wa.us; vdalton@spokanecounty.org; zlenhart@co.franklin.wa.us; Anne.bruskland@metrokc.gov; Bill Huennekens; Bobbie Egan; Brenda Chilton; Brenda Sorensen; caseye@co.skagit.wa.us; Dale Vaughan; Debbie Adelstein; dgraves@co.pacific.wa.us; Garth Fell; harry.sanders@METROKC.GOV; janice.case@metrokc.gov; Julie Ridgway; kdean@co.grays-harbor.wa.us; mullenk@co.thurston.wa.us; Keri Rooney; laird.hail@metrokc.gov; Lisa.Moore@METROKC.GOV; margarete@co.skagit.wa.us; Pam Hamilton W.W.Chief Deputy; pamp@co.klickitat.wa.us; Reagan, Michele; Sandy.McConnell@metrokc.gov; Sherril Huff Menees; Skip Moore; Wendy Mauch; wlogan@co.kitsap.wa.us; blamm@co.stevens.wa.us; Brandt, Paul; carolyn.diepenbrock@co.snohomish.wa.us; dang@co.san-juan.wa.us; davido@co.skamania.wa.us; daidec@co.skagit.wa.us; dbenavides@co.walla-walla.wa.us; Debbie Hooper; dgilmore@co.kitsap.wa.us; Diana.soules@co.yakima.wa.us; elections@co.ferry.wa.us; Dianna Killian; Faith Anderson; heidih@co.adams.wa.us; jmurphy@co.grays-harbor.wa.us; Karen Cartmel; kmanning@co.walla-walla.wa.us; loanng@co.island.wa.us; laugino@co.pierce.wa.us; mlzumbuh@co.lewis.wa.us; Mila Jury; Naedene Shearer; Nissa Burger; ppennington@co.douglas.wa.us; pas@co.mason.wa.us; plaughery@co.garfield.wa.us; pgriffin@co.whatcom.wa.us; rrojas@co.pacific.wa.us; sraddon@co.clallam.wa.us; homans@co.thurston.wa.us; sue@co.kittitas.wa.us; susie_christopher@co.benton.wa.us; tlikness@co.clark.wa.us
Cc: Handy, Nick; Deutsch, Joanie
Subject: Prosecutor Referrals

Dear Election Partners,

Happy New Year!

We have been asked to inquire if, over the past year, your office has referred any election-related cases to your Prosecutor's Office for criminal investigation and/or charges.

If you have referred any cases to your Prosecutor's Office, please reply to me with information on the

1/9/2007



Donna M. Eldridge
JEFFERSON COUNTY AUDITOR

1820 JEFFERSON ST.
P.O. BOX 563, PORT TOWNSEND, WA 98368
E-MAIL: deldridge@co.jefferson.wa.us

(360) 385-9118

MEMO

JEFFERSON COUNTY ELECTIONS DIVISION

karenc@co.jefferson.wa.us
360.385.9117

To: David Alvarez, Deputy Prosecuting Attorney
From: Karen Cartmel, Chief Deputy Auditor / Elections Coordinator
Date: February 21, 2007
Subj: Ballot Returned, Affidavit signed by Different Person

A handwritten signature in cursive script, appearing to read "Karen Cartmel", is written over the "From:" line of the memo.

As discussed in the Canvassing Board Meeting today, attached is a copy of the letter sent to Nicholas C Bailey Jr. and Phyllis C Bailey.

You asked that I report the circumstances surrounding why this was brought to the Canvassing Board's attention. Mr. Bailey's voter registration indicates he is legally blind. Both he and his wife are elderly. I believe the wife assisted him in marking the ballot. Instead of having him sign the affidavit, she signed her signature on his return affidavit envelope.

When an individual is unable to sign the affidavit, there are options available to them. I have outlined those options in the attached copy of the letter sent to the Baileys.

If you need additional information, please let me know.

//

FILED
IN SUPERIOR COURT
2008 JUL -2 A 9:32
Jefferson County
Clerk's Office

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

08 1 00146 T

STATE OF WASHINGTON,

NO. _____

Plaintiff,

vs.

☒ CRIMINAL INFORMATION
☐ CRIMINAL COMPLAINT (INFO)

TODD STUART MCGUIRE,

FOR: REPEATING A VOTE (RCW

29A.84.650, or in the alternative, CRIMINAL

IMPERSONATION IN THE FIRST

DEGREE (RCW 9A.60.040(1)(a))

Defendant(s).

I, ANN LUNDWALL, Special Deputy Prosecuting Attorney for the State of Washington in the venue of Jefferson County, come now in the name of and by the authority of the State of Washington and by this Information/Complaint do accuse the above-named Defendant(s) of the following crime(s), committed as follows:

REPEATING A VOTE

On or about a period of time between January 17, 2007, and February 6, 2007, in the County of Jefferson, State of Washington, the above-named Defendant did intentionally vote or attempt to vote in this State more than once at an election; contrary to RCW 29A.84.650, a Class C felony;

Maximum penalty - Five (5) years imprisonment and/or a \$10,000 fine, plus restitution, costs and assessments.

OR IN THE ALTERNATIVE, CRIMINAL IMPERSONATION IN THE FIRST DEGREE

On or about a period of time between January 17, 2007, and February 6, 2007, in the County of Jefferson, State of Washington, the above-named Defendant did assume a false identity, to-wit: Rebekah McGuire, and did an act in such assumed character with the intent to defraud another or for any other unlawful purpose; contrary to RCW 9A.60.040(1)(a) (Laws of 2004, ch. 11, § 1 (1)(a)), a Class C felony;

Maximum penalty - Five (5) years imprisonment and/or a \$10,000 fine, plus restitution, costs and assessments.

PTPD No. 07-0641

CLALLAM COUNTY
PROSECUTING ATTORNEY
Clallam County Courthouse
223 East Fourth Street, Suite 11
Port Angeles, Washington 98362-3015
(360) 417-2301 FAX 417-2469

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STATE OF WASHINGTON
v. TODD STUART MCGUIRE

Contrary to the form, force and effect of the statutes in such cases made and provided, and against the Peace and Dignity of the State of Washington.

DATED at Port Angeles, Washington, this 1 day of July 2008.

TODD STUART MCGUIRE : White
Male, DOB 07/29/1957, 5'11", 190 lbs.,
brown hair, brown eyes, WA DOL
MCGUITS436M9, Address: 504 "V"
Street, Port Townsend, WA 98368

JULIE DALZELL, Prosecuting Attorney

By:

Ann Lundwall
ANN LUNDWALL

WBA #27691

Special Deputy Prosecuting Attorney

/am

CRIMINAL INFORMATION/
COMPLAINT - Page 2

13

CLALLAM COUNTY
PROSECUTING ATTORNEY
Clallam County Courthouse
223 East Fourth Street, Suite 11
Port Angeles, Washington 98362-3015
(360) 417-2301 FAX 417-2469

APPENDIX 9



Superior Court of Washington
County of Jefferson

State of Washington

Plaintiff/Petitioner

vs.

Todd Stuart McGuire

Defendant/Respondent

No. 08 1 00146 T

FACSIMILE AFFIDAVIT

(AF)

Tina Hendrickson (name), Senior Legal Secretary (title), with
Clallam County Prosecutors (firm/organization), declare and state the following:

The attached is a facsimile transmission of Summons, Order, Motion
information (titles of documents)
submitted by Ann Lundwall (name), Deputy Prosecutor (title),
in the above-entitled matter.

The attached document(s), prepared for filing on the 2nd day of July, 2008
and consisting of 9 pages, including this affidavit page, has been examined and
determined by me to be complete and legible.

DATED: 7-2-8

SIGNED:

Tina Hendrickson
Address: 223 E 4th / Suite 11
Port Angeles Wa
Phone: 360-565-2611

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1
2 IN THE ☐ SUPERIOR / ☐ DISTRICT COURT
3 OF THE STATE OF WASHINGTON
4 IN AND FOR THE COUNTY OF JEFFERSON

FILED
IN SUPERIOR COURT

2008 OCT 24 A 9:19

5 STATE OF WASHINGTON,

6 Plaintiff,

7 vs.

8 TODD McGUIRE,

9 Defendant.

NO. 08-1005462
Jefferson County
Clerk's Office

PRE-TRIAL DIVERSION
AGREEMENT, WAIVERS, AND
STIPULATED ORDER OF
CONTINUANCE

10 **ARTICLE I. PRETRIAL DIVERSION AGREEMENT**

11 COMES NOW, the Prosecution, by and through its attorney of record below-named, and the
12 Defendant, by and through his or her attorney of record below-named, and hereby enter the following
13 Pre-Trial Diversion Agreement (hereafter "Agreement"):

14 **ARTICLE II. DEFENDANT'S WAIVER OF RIGHTS AND AGREEMENT**

15 1. **Waiver of Speedy Trial (CR/CrRLJ 3.3(c)(2)(i)).** The Defendant understands that he or she has
16 the right to be tried within 90 days following the "commencement date" as defined in CR/CrRLJ 3.3(e),
17 and that if the Defendant does not receive a trial within this time period the case may be dismissed with
18 prejudice unless the Defendant waives this right.

19 The Defendant understands that he or she has a right to trial by November 27, 2008.

20 The Defendant gives up that right and agrees to a new commencement date of November 26, 2013.

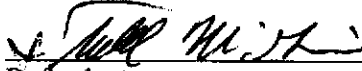
21 As a result of this waiver, the last allowable date for trial will be January 25, 2013.

22 2. **Waiver of Jury Trial (CR/CrRLJ 6.1.1(a)).** The Defendant understands that he or she has the
23 right to trial by jury unless he or she waives the right to a jury trial. The Defendant hereby waives his or
24 her jury trial right and requests that his or her guilt or innocence be decided by a judge.

25 3. ☐ **Waiver of Right to Counsel** (This waiver applies only if the box at the beginning of this para-
graph is checked and the Defendant signs his or her name below). The Defendant understands the he or
she has the right to be represented by a lawyer, and that he or she may talk to a lawyer before signing
this document and/or any Addendum to this document. The Defendant knows that if he or she cannot
afford a lawyer the Defendant could ask the Court to appoint a lawyer to represent the Defendant.

Being aware of the right to be represented by a lawyer, the Defendant hereby waives that right at
this time. The waiver is made freely, knowingly and voluntarily. The Defendant has no more questions
to ask about his or her right to be represented by a lawyer. The Defendant chooses to sign this
document and/or any Addendum to this document without legal representation.

26 10/22/08
Date

27 
Defendant

28 4. **Waiver of Rights (CR/CrRLJ 6.1.2(b)).** The Defendant understands that he or she has the right
29 to contest and object to evidence presented against the Defendant. The Defendant gives up the right to

15

1 contest and object to any evidence presented against the Defendant as to the Defendant's guilt or inno-
2 cence regarding the underlying charge(s) at any future hearings if the Defendant fails to comply with the
3 conditions in this Agreement. The Defendant also understands that he or she has the right to present
4 evidence on the Defendant's own behalf. The Defendant gives up the right to present evidence on the
5 Defendant's own behalf as to the Defendant's guilt or innocence regarding the underlying charge(s).
6 The Defendant understands that evidence will be presented against the Defendant at a future hearing and
7 the Defendant understands that the Judge will read and review that evidence in determining the Defen-
8 dant's guilt or innocence. The evidence may include, but is not limited to, police reports.

9 The Defendant understands that, by this process, he or she is giving up the constitutional right to a
10 jury trial, the right to hear and question witnesses, the right to call witnesses in his or her own behalf,
11 the right to testify or not to testify, the right to remain silent, the right to challenge the admissibility of
12 statements the Defendant has made (CR/CrRLJ 3.5), the right to challenge physical, oral or identifica-
13 tion evidence (CR/CrRLJ 3.6), the right to assert husband-wife privileges (RCW 5.60.060), the right to
14 assert a physician-patient privilege (RCW 5.60.060), psychologist-client privilege (RCW 18.83.110),
15 registered nurse privilege (RCW 5.62.020), and counselor privilege (RCW 18.19.180).

16 The Defendant understands that the maximum sentence for the crime(s) charged herein of
17 Repeating a Vote/Criminal is 5 years imprisonment and/or a \$10,000 fine
18 Impersonation

19 plus costs and assessments, and that the judge can impose any sentence up to the maximum, no matter
20 what the prosecuting authority or the defense recommends.

21 5. **Consent for the Release of Confidential Information.** The Defendant hereby consents to
22 communication between the Court, Friendship Staff, and JEFFERSON County Prosecutor's Office, and
23 any health care and/or treatment provider for evaluation(s) and/or treatment required in this Agreement.
24 The purpose for disclosure is to inform the criminal justice agencies listed above of the Defendant's
25 attendance, and progress in treatment, and/or the Defendant's compliance with Court Orders and/or
conditions of Friendship. The extent of information to be disclosed is the Defendant's diagnosis, infor-
mation about the Defendant's attendance, or lack of attendance, at treatment sessions, the Defendant's
cooperation with the treatment program, prognosis, all medical records, including all clinical, and
hospital records in full. This includes but is not limited to diagnostic testing, laboratory tests,
correspondence, and notes, or written documents of any nature within the meaning of the Uniform
Health Care Act.

The Defendant consents to the release of information regarding himself or herself which may be
protected by local, state, or federal laws which could pertain to testing, and/or treatment for HIV infec-
tion, AIDS, sexually transmitted diseases, mental health problems, alcohol abuse, or drug abuse. The
Defendant understands that this consent will remain in effect, and cannot be revoked by the Defendant
until this case is completed. The Defendant understands that any disclosure made is bound by Part 2 of
Title 42 of the Code of Federal Regulations governing confidentiality of alcohol and drug abuse patient
records, and that recipients of this information may re-disclose it only in connection with their official
duties.

6. **Cooperation and Truthfulness.** The Defendant agrees to fully cooperate and completely and
truthfully answer any and all questions from this Court, Friendship Staff, and any health care and/or
treatment provider for evaluation(s) and/or treatment required in this Agreement.

7. **Defendant's Promise to be Present in Court.** The Defendant understands and agrees that he or
she shall be present in court at all future court hearings herein unless previously waived in writing by
the judge.

8. **Additional Conditions.** The Defendant agrees to fully and completely satisfy all of the following
selected conditions-

- 1 ☒ **Criminal Law Violations.** The Defendant shall have no new criminal law violations. The
2 Defendant agrees that this Court may take action on the Prosecution's motion alleging the Defen-
3 dant's violation of this condition prior to any resolution of the alleged new criminal law violation.
4 The Defendant specifically agrees that a "conviction" for a criminal law violation occurring after
5 the signing of this Agreement is not a prerequisite to this Court taking action on the Prosecution's
6 motion to revoke this Agreement due to the Defendant's alleged violation of this condition. The
7 Defendant further agrees that the Defendant's petition or otherwise request of any Washington
8 court to grant the Defendant a deferred prosecution pursuant to RCW 10.05 et seq. for any new
9 criminal law violation occurring after the signing of this Agreement shall be a violation of this
10 condition.
- 11 ☒ **Address and Telephone Information.** The Defendant agrees to immediately notify the Court
12 and Friendship in person or in writing of any change of residence or mailing address and tele-
13 phone number.
- 14 ☒ **Bench Warrant Costs.** The Defendant shall pay any bench warrant costs imposed herein.
- 15 ☒ **Failure to File Proof of Compliance.** The Defendant agrees that failure to file written proof
16 when required herein shall be a violation of this Agreement.
- 17 ☐ **Order(s) Prohibiting Contact.** The Defendant agrees to strictly comply with all provisions of
18 any court order entered in this case or any other case prohibiting contact with the named person(s)
19 therein.
- 20 ☐ **Seized Property.** The Defendant agrees as of today's date to forfeit all property seized herein by
21 law enforcement.
- 22 ☒ **Drugs Prohibited.** The Defendant shall not possess or consume any non-prescribed drugs.
23 Defendant shall provide a copy of any prescriptions to Friendship Staff within one business day
24 of obtaining such.
- 25 ☒ **Friendship Diversion Services Monitoring.** The Defendant agrees that compliance with this
Agreement shall be monitored by Friendship Diversion Services and the Prosecuting Attorney's
Office. The Defendant agrees to contact Friendship to make an appointment within one judicial
day of the signing of this Agreement. Defendant will bring a copy of this Agreement to Friend-
ship, make all appointments with Friendship, and abide by all Friendship rules and regulations.
The Defendant also agrees to pay a fee to Friendship for their services at a payment plan satis-
factory to Friendship. The exact amount of Defendant's fee will be determined by Friendship on
a sliding scale and will be between Three Hundred Fifty Dollars (\$350) and Five Hundred Dollars
(\$500) for District Court, Six Hundred Fifty (\$650) for Domestic Violence, or Seven Hundred
Fifty Dollars (\$750) and One Thousand Two Hundred Dollars (\$1,200) for Superior Court.
- ☒ **Court Costs.** The Defendant shall pay court costs of [☐ \$150 District Court / ☐ \$200 Superior
Court]. *Payments shall be made to the Friendship Diversion Program* as set by them.
- ☒ **Jefferson County Prosecutor's Crime Victim Fund.** The defendant shall pay a \$100 Jefferson
County Prosecutor's Crime Victim Fund. *Payments shall be made to the Friendship Diversion
Program* as set by them.
- Any amounts paid by check should include the Defendant's full name and case number.
- ☒ The Defendant agrees that if the pending charge is related to controlled substance or legend drug,
that the substance is what the charging document alleges it to be.
- ☐ **Monitoring of Conditions by Prosecutor's Office.** The Defendant agrees that compliance with
this Agreement shall be monitored by the Prosecutor's Office.
- ☐ **Valid License and Insurance.** The Defendant shall not drive a motor vehicle without a valid
driver's license and/or proof of insurance.

17

- 1 ☐ **DUI Victim's Panel.** The Defendant shall attend a DUI victim's panel and within 90 days from
today's date file written proof thereof with Friendship Diversion Services.
- 2 ☐ **Chemical Dependency Treatment.** The Defendant shall obtain a chemical dependency evalua-
3 tion from a state-certified agency, and thereafter successfully comply with all treatment recom-
mendations, and within ninety (90) days from today's date file written proof thereof with Friend-
4 ship Diversion Services.
- 5 ☐ **Drinking and Driving.** The Defendant shall not drive or be in actual physical control of a motor
vehicle while having an alcohol concentration of 0.03 or more within two hours after driving or
6 being in physical control. The Defendant shall not refuse to submit to a test of his/her breath or
blood to determine alcohol and/or drug concentration upon request of a law enforcement officer
7 who has reasonable grounds to believe that the Defendant was driving or in actual physical
control of a motor vehicle while under the influence of an intoxicating liquor and/or drugs.
- 8 ☐ **Alcohol Prohibited.** The Defendant shall not possess or consume alcohol.
- 9 ☐ **Ignition Interlock Device.** The Defendant shall not operate any vehicle that is not equipped with
a functioning ignition interlock alcohol device. This condition may be rescinded by this Court
after one (1) year from today's date if the Defendant is in full compliance with this Agreement
at that time.
- 10 ☐ **DV Perpetrator's Program.** The Defendant shall successfully complete a state-certified one
year Domestic Violence Perpetrator's Treatment program, and within one year from today's date
11 file written proof thereof with Friendship Diversion Services.
- 12 ☒ **Firearm.** The Defendant shall not possess or own any firearm.
- 13 ☐ **DV Parenting Class.** The Defendant shall attend and successfully complete a parenting class for
a minimum 24 hours that includes discussion concerning the effects of domestic violence on
14 children, and within 90 days from today's date file written proof thereof with Friendship Diver-
sion Services.
- 15 ☐ **Anger Management Course.** The Defendant shall attend and successfully complete an anger
management course, and within 90 days from today's date file written proof thereof with Friend-
ship Diversion Services.
- 16 ☐ **No Contact.** The Defendant shall not make any attempts (including but not limited to directly or
indirectly, in person, in writing, by telephone, or through other persons) to contact the following:
- 17 ☐ **Consumer Awareness Course.** The Defendant shall attend and successfully complete a
consumer awareness course, and within 90 days from today's date file written proof thereof with
18 Friendship Diversion Services.
- 19 ☐ **Driver's Education Program.** The Defendant shall attend and successfully complete a
Washington State Department of Licensing approved five (5) week Driver Training Course which
20 shall include a minimum thirty (30) hours of classroom instruction (including four hours behind
the wheel), and within 90 days from today's date file written proof thereof with Friendship
21 Diversion Services.
- 22 ☐ **Restitution.** The Defendant agrees to pay the following restitution through Friendship.
The Defendant further agrees that he or she shall file written proof with the Court Clerk within
one year from today's date showing that all restitution has been paid in full. *(If the restitution
23 amount exceeds \$2500, the restitution must be paid down to \$2,500 prior to the signing of the
diversion contract).*

Amount	Name

18

Amount	Name

Total

- ☒ Defendant agrees to complete community service hours as set by Friendship Diversion Services and file proof with Friendship Diversion Services within 30 days of completion (up to and including 150 hours).
- ☒ Other: Defendant shall be supervised by Friendship Diversion for two (2) years. Afterwards, the Defendant shall be supervised by the Prosecutor's Office for three (3) years. During this five (5) year period, the Defendant will give up his right to vote in any election and a copy of this agreement will be filed with the Jefferson County Auditor's Office. In addition, Defendant shall remove his name from the register's ballot for Jefferson County. Voting in any election will constitute a violation of this Agreement.

9. **Defendant's Promise to Fully Satisfy Conditions.** The Defendant understands and agrees that he or she shall fully and completely satisfy all of the conditions of this Agreement, and that failure or neglect to carry out and fulfill any term or condition of this Agreement shall constitute a violation of this Agreement. Defendant agrees to fully and completely satisfy all following selected conditions for the next 24 months except for the condition of not voting which will apply for the next five years.

The Defendant also understands and agrees that any allegation by the Prosecution that the Defendant has violated this Agreement will result in a hearing by this Court to determine whether a violation has been proven, and that the Prosecution will not be required to comply with its obligations in the section entitled "Prosecution's Agreement" until this Court has determined that the Defendant did not violate this Agreement and that the Defendant is in full compliance with this Agreement.

☒ ARTICLE III: PROSECUTION'S AGREEMENT TO DISMISS THE CHARGE(S)

If the Defendant successfully complies with the promises he or she has made herein, the Prosecution agrees to move to dismiss with prejudice the charge(s) of at a hearing to be scheduled not before five years following entry of this Agreement.

☐ ARTICLE IV: PROSECUTION'S AGREEMENT TO AMEND THE CHARGE(S)

If the Defendant successfully complies with the promises he or she has made herein, the Prosecution agrees to move to amend the charge(s) and the Defendant agrees to the Court's entry of a guilty finding to at a hearing to be scheduled not before one year following entry of this Agreement.

Upon the Defendant's successful compliance with this Agreement and the Court's entry of a guilty finding to the amended charge(s) as previously discussed, the Prosecution will make the following sentencing recommendation to the Judge:

365 days in jail with 365 days suspended for two years
\$1,000 fine with \$1,000 suspended

The Defendant shall have no violation of any criminal laws, and Probation shall be unsupervised.

The Judge does not have to follow anyone's recommendation as to sentence. The Judge can give the Defendant any sentence up to the maximum authorized by law no matter what the prosecuting authority or anyone else recommends.

ARTICLE V: PROCEDURE ON ALLEGED VIOLATION OF AGREEMENT

The Defendant and Prosecution agree that the prompt resolution of a party's allegation of violation of this Agreement by the other party is desirable. Accordingly, the parties request this Court to set a hearing date within approximately 30 days of any party's violation allegation so that this Court can promptly determine whether a violation of this Agreement has occurred.

1 The parties further agree that any Prosecution motion to revoke this Agreement based upon an
2 alleged violation of this Agreement by the Defendant will be handled in accordance with the procedures
3 set forth in *State v. Marino*, 100 Wn.2d 719, 674 P.2d 171 (1984) and *State v. Kessler*, 75 Wn.App.
4 634, 879 P.2d 333 (1994).

5 DATED this 22 day of Oct, 2008.

6 Defendant

7 Defendant address: 4504 V St 98368 *Port Townsend*

8 Defendant phone: 379-0494

9 Defendant e-mail: ktusguire@cable.speed.com

10 Presented by:

11 Approved for Entry:

12 Deputy Prosecuting Attorney

13 WBA # 2781

14 Attorney for Defendant

15 WBA # 18004

16 **ARTICLE VI: ACCEPTANCE OF WAIVERS, PDA AND**
17 **STIPULATED ORDER OF CONTINUANCE**

18 THIS MATTER having come on regularly before the undersigned Judge of the above-entitled
19 Court by agreement of the parties for entry of a Pre-Trial Diversion Agreement, Defendant's waiver of
20 rights and a Stipulated Order of Continuance; the Court having considered this Agreement, motion and
21 the files and records herein, and being fully advised in the premises; now, therefore,

22 IT IS HEREBY ORDERED that probable cause exists to believe that the Defendant committed
23 the offense(s) charged herein.

24 IT IS FURTHER ORDERED that the Court finds that the above Pre-Trial Diversion Agree-
25 ment, Defendant's waiver of rights and Stipulated Order of Continuance have been entered into freely,
voluntarily and knowingly by all parties hereto with full awareness and explanation of the possible legal
consequences.

IT IS FURTHER ORDERED that the above-entitled matter shall be continued to a date set by
separate order. The Defendant shall appear as required by separate order.

DONE IN OPEN COURT this 24 day of October, 2008.

Distribution—Original (Court Clerk);
1 copy (Prosecutor), 1 copy (Defendant)

Judge

20



Juelanne Dalzell

JEFFERSON COUNTY PROSECUTING ATTORNEY

Courthouse - P.O. Box 1220

Port Townsend, Washington 98368

Telephone (360) 385-9180 - FAX (360) 385-9186

David W. Alvarez, Deputy Prosecutor

John Raymond, Deputy Prosecutor

Shane R. Seaman, Deputy Prosecutor

Cheryl L. Potebnya, Deputy Prosecutor

Lianne Perron-Kossow, Victim Services

INTERDEPARTMENTAL REQUEST
FOR LEGAL OPINION

Date of Request: November 26, 2008

Department Making Request: Jefferson County Auditor/Elections

Synopsis of Request: During the canvassing of the November 4, 2008 Election, our office determined that one voter may have attempted to vote twice. Please see RCW 29A.84.650 and WAC 434-262-015. For some background, on November 4, 2008 our office received a returned ballot. The signature, dated October 27, 2008, on the ballot envelope did match the voter's signature in our voter registration file. It therefore went through the process of pre-inspection and tabulation. Our office then received a provisional ballot from Clallam County. The voter stated on Monday, November 3, 2008 "mail in ballot got destroyed and am registered in Jefferson County and tomorrow I'll be at hospital from 0500 - 2130 hours". This provisional ballot was sent to the Canvassing Board for rejection. Upon review and discussion, the Canvassing Board directed our office to send this matter to you.

For Use by Prosecuting Attorney

Form of Request: Written Telephone In Person

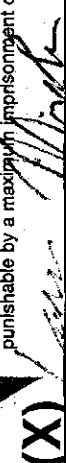
Recommendation/Opinion: _____

By: _____ Date Completed: _____

NO CRIMINAL CHARGES FILED

21

IMPORTANT: SIGN & DATE THIS ENVELOPE BELOW
FIRST CLASS POSTAGE IS REQUIRED

(X)  **SIGNATURE OF VOTER** **360 219** **TOD**
 I have not been judicially declared mentally incompetent; and
 I have not already voted in this election; and
 I understand it is illegal to cast a ballot or sign a ballot envelope on
 Attempting to vote when not qualified, attempting to vote more than
 punishable by a maximum imprisonment of five years, a maximum
 Optional Daytime Phone Number
 If a voter is unable to sign his/her signature above due to a disability
 attempted signature on the line provided for the voter's signature. If
 is witnessed below by two persons, the ballot will be accepted.
 First Second

021-0008-0954-1 11/04/2008 Pct: 201
65842
001
GENE S. MENSİK
1400 W WASHINGTON ST STE 104
SEQUIM, WA 98382-3236

POSTMASTER: DO NOT DELIVER TO THIS ADDRESS (SEE OTHER SIDE)

22

Juelanne Dalzell

JEFFERSON COUNTY PROSECUTING ATTORNEY

Courthouse - P.O. Box 1220

Port Townsend, Washington 98368

Telephone (360) 385-9180 -- FAX (360) 385-9186



David W. Alvarez, Deputy Prosecutor
John Raymond, Deputy Prosecutor
Shane R. Seaman, Deputy Prosecutor
Cheryl L. Potebnya, Deputy Prosecutor
Lianne Perron-Kossow, Victim Services

INTERDEPARTMENTAL REQUEST
FOR LEGAL OPINION

Date of Request: September 2, 2009

Department Making Request: Jefferson County Auditor/Elections

Synopsis of Request: During the canvassing of the August 19, 2009 Primary, our office determined that one voter may have attempted to vote twice. Please see RCW 29A.84.650 and WAC 434-262-015. For some background, on August 12, 2009 our office received a returned ballot. The signature of Judith S. Arnold, dated August 11, 2009, on the ballot envelope did match the voter's signature in our voter registration file. It therefore went through the process of pre-inspection and tabulation. Our office also received a returned ballot of James L. Arnold, dated August 12, 2009. This affidavit was also signed by Judith S. Arnold. We sent out a "Challenge" letter on August 12 - the reason being that the ballot was signed by someone else. There was no response from Mr. Arnold. A telephone call was made (left voice mail) to Mr. Arnold on Monday, September 1, 2009. Again, no response. This ballot was sent to the Canvassing Board for rejection. Upon review and discussion, the Canvassing Board directed our office to send this matter to you.

For Use by Prosecuting Attorney

Form of Request: Written Telephone In Person

Recommendation/Opinion: _____

By: _____ Date Completed: _____

NO CRIMINAL CHARGES FILED

23

September 2, 2009

At 1:20 p.m., James L Arnold returned my phone call from yesterday regarding his voted ballot for the August 18, 2009 Primary Election. He informed me that his wife got confused and had signed his envelope instead of hers. She then signed her own envelope and both were returned to our office by USPS, postmarked August 12, 2009.

I informed him of the decision by the Canvassing Board to refer this to the Prosecuting Attorney. Also he could possibly expect a letter from the Prosecuting Attorney or a visit from the County Sheriff. I informed him if contacted, be sure to explain exactly what happened.

After discussion with Donna, it was determined to document this phone call and send the information up to the Prosecuting Attorney.

Karen Cartmel
Chief Deputy Auditor / Elections Coordinator



Juelanne Dalzell

JEFFERSON COUNTY PROSECUTING ATTORNEY

Courthouse - P.O. Box 1220

Port Townsend, Washington 98368

Telephone (360) 385-9180 - FAX (360) 385-9186

David W. Alvarez, Deputy Prosecutor
Cheryl L. Potebnya, Deputy Prosecutor
Katherine Gulmert, Deputy Prosecutor
Edward B. DeBray, Deputy Prosecutor
Lianne Perron-Kossow, Victim Services

INTERDEPARTMENTAL REQUEST
FOR LEGAL OPINION

Date of Request: April 1, 2008

Department Making Request: Jefferson County Auditor

Synopsis of Request: Per the instruction of the Jefferson County Canvassing Board, which met on March 26, 2008 to certify the March 11, 2008 Special Election, we have been instructed to refer the attached to you attention. It appears that a convicted felon has attempted to vote in the March 11, 2008 Special Election. Please refer to RCW 29A.84.650 and WAC 434-262-015. Please advise.

For Use by Prosecuting Attorney

Form of Request: Written Telephone In Person

Recommendation/Opinion: _____

By: _____

Date Completed: _____

25

26

Rejected send to P.A.

As directed by B. all members 3

Cancelled or voided due to Felony conv.

STATION & DATE HERE

☒ (X)

[Signature]

SIGNATURE OF VOTER

TOD

I am a registered voter in the State of Washington.
I am entitled to vote in this election.
I have not already voted in this election.
It is illegal to vote if I am not a United States citizen.
It is illegal to vote if I have been convicted of a felony and have not
otherwise provided by law; and
Attempting to vote when not entitled, attempting to vote more than
oath is a felony punishable by a maximum imprisonment of five years
a maximum fine of \$10,000, or both.

018-0004-0018-1 001332008 Oct: 109-B
56734 001
RANDELL L COLE
111 CHERRY LN
QUILCENE WA 98376

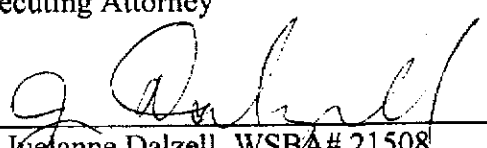
POSTMASTER: DO NOT DELIVER TO THIS ADDRESS (SEE OTHER SIDE)

1 **COUNT I: Voting By Unqualified Person - RCW 29A.84.660:** On or about the 11th day of
2 March, 2008, in the County of Jefferson, State of Washington, the above-named Defendant,
3 knowing that he or she does not possess the legal qualifications of a voter, did vote at any
4 primary or special or general election authorized by law to be held in this state for any office;
contrary to Revised Code of Washington 29A.84.660; a class C felony.

5 (Maximum Penalty - Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.660 and RCW
6 9A.20.021(1)(c), plus restitution, assessments and court costs.)

7 DATED this 10th day of April, 2008.

8 JUELANNE DALZELL, Jefferson County
9 Prosecuting Attorney

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11 By: Juelanne Dalzell WSBA# 21508
12 Prosecuting Attorney
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INFORMATION

PAGE 2

JUELANNE DALZELL
PROSECUTING ATTORNEY
JEFFERSON COUNTY COURTHOUSE
PO BOX 1220
PORT TOWNSEND, WA 98368
(360) 385-9180

FILED

2008 DEC -3 PM 12:32

IN SUPERIOR COURT
JEFFERSON COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF JEFFERSON

STATE OF WASHINGTON,

Plaintiff,

NO. 08-1-00088-1

-vs-

RANDELL LEE COLE,

ORDER OF DISMISSAL WITH
PREJUDICE AND EXONERATING
ANY BAIL/BOND

Defendant.

THE COURT, being fully advised in the premises, it is hereby ORDERED that the above-captioned case be DISMISSED with prejudice to the State and that any bail/bond is hereby exonerated.

DATED this 3 day of December, 2008.

JUDGE

Presented by:

Juelanne Dalzell WSBA# 21508
Prosecuting Attorney

29

ORDER OF DISMISSAL

ORIGINAL



JUELANNE DALZELL
PROSECUTING ATTORNEY
JEFFERSON COUNTY COURTHOUSE
PO BOX 1220
PORT TOWNSEND, WA 98368
(360) 385-9180

21

FILED

2008 DEC -3 PM 12:13

IN SUPERIOR COURT
JEFFERSON COUNTY CLERK

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

STATE OF WASHINGTON,

Plaintiff,

-vs-

RANDELL LEE COLE,

Defendant.

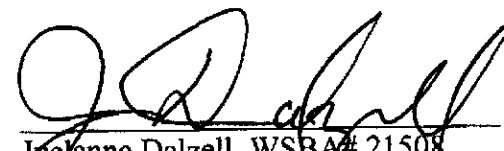
NO. 08-1-00088-1

MOTION AND DECLARATION
FOR DISMISSAL WITH
PREJUDICE

MOTION

COMES NOW JUELANNE DALZELL, Prosecuting Attorney for Jefferson County, Washington, and moves the Court for an order dismissing the above-entitled cause for the reasons set forth in the attached declaration.

Dated this 3rd day of December, 2008.


Juelanne Dalzell WSBA# 21508
Prosecuting Attorney

30

MOTION & DECLARATION FOR
DISMISSAL

PAGE 1

ORIGINAL




JUELANNE DALZELL
PROSECUTING ATTORNEY
JEFFERSON COUNTY COURTHOUSE
PO BOX 1220
PORT TOWNSEND, WA 98368
(360) 385-9180

20

1
2 **DECLARATION**
3

4 JUELANNE DALZELL, declares as follows: That she is a the elected Prosecuting
5 Attorney for Jefferson County, Washington, and she is familiar with the files and records herein,
6 and that she believes that the case as to the above-named defendant should be dismissed because
7 the Defendant successfully completed the Felony Pretrial Diversion Program (see attachment A).

8 DATED this 3rd day of December, 2008.
9

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11 Juelanne Dalzell WSBA# 21508
12 Prosecuting Attorney
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Friendship Diversion Services

a public benefit corporation

Address:

686 Lake Street, Suite 100
Port Townsend, WA 98368

Phones:

(360) 379-9482
FAX (360) 379-9486
DiversioJeffers@aol.com

Barbara E. Miller

Executive Director

Gregory Krall

Programs Manager

Ronnie Wuest

Branch Manager

December 1, 2008

Ms. Juelie Dalzell
Prosecuting Attorney
Jefferson County Courthouse
Port Townsend, WA 98368

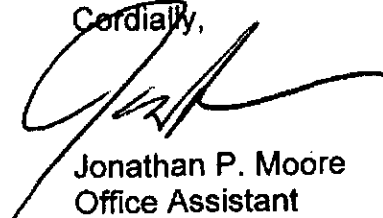
Re: **Randell L. Cole - COMPLETION - No. 08-1-88-1**
111 Cherry Lane
Quilcene, WA 98376

Dear Ms. Dalzell:

The above-named client has successfully completed the diversion program effective this date.

We are, therefore, recommending dismissal of this case.

Cordially,

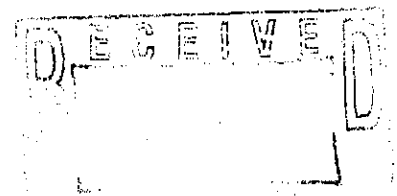


Jonathan P. Moore
Office Assistant

cc: Mr. Cole
Mr. Richard Davies, Attorney

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ATTACHMENT A



FILED
IN SUPERIOR COURT
2008 JUN -6 P 12:44
Jefferson County
Clerk's Office

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

STATE OF WASHINGTON,

Plaintiff,

NO. 08-1-00088-1

-VS-

~~RANDALL LEE COLE,~~

Randell

Defendant.

DECLARATION OF
DEFENDANT, WAIVER OF JURY
TRIAL, AND STIPULATION TO
FACTS SUFFICIENT FOR GUILT

COMES NOW the Defendant, having first been fully advised by counsel, and in consideration for entry into the "Friendship" Diversion Program, make the following Declaration:

1. I have no prior conviction(s) for a felony offense in the State of Washington nor in any other state or country, nor have I been convicted of a crime in another state or country which would be considered a felony in the State of Washington, nor do I have any other felony offenses pending in Washington or anywhere;
- RC 2. I have never before participated in any diversion or similar program or arrangement for any other felony offense, as defined under Section "1" above;

DECLARATION OF DEFENDANT,
WAIVER OF JURY TRIAL, AND
STIPULATION TO FACTS SUFFICIENT
FOR GUILT



JUELANNE DALZELL
PROSECUTING ATTORNEY
JEFFERSON COUNTY COURTHOUSE
PO BOX 1220
PORT TOWNSEND, WA 98368
(360) 385-9180

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1 RLC 3.

I am requesting that the Jefferson County Prosecuting Attorney's Office and this Court permit me to enter into the Jefferson County "Friendship" Diversion Program which, if I successfully complete the program, will result in dismissal of the pending charge(s) against me in this case;

2
3
4
5 RLC 4.

I understand that upon entry into this program I must contact the local Friendship Diversion Services Office within 24 hours of my entry into the program (not including weekends or holidays). I have been provided with a copy of the contact information. I understand that I have seven (7) days from the date of my initial meeting with a Friendship Diversion Services representative to reconsider my participation in the program. If I choose not to participate, I must make my decision known, in writing, to my attorney, the prosecuting attorney and the court before the expiration of this seven (7) day period. Failure to provide this written notification of non-participation, or by my silence, will constitute my willingness to go forward with participation in the program and I fully understand, and agree, that this contract then becomes binding upon me.

15
16 RLC 5.

I understand that "successful completion" of this program means that I strictly comply with all program requirements as directed by the administering agency, "Friendship," which includes: reporting to the agency as directed; paying administrative costs/assessments; having no criminal violations during the period of diversion; paying full restitution for damage arising from this case and as determined by "Friendship;" and completing ^{eight (8) hours} community service hours, ~~as directed by diversion,~~

21
22 RLC 6.

I understand that if I fail to successfully comply with this agreement I will be removed from the diversion program and the Jefferson County Prosecuting Attorney's Office will recommence prosecution of this case against me;

24
25 RLC 7.

If I fail to successfully complete diversion and prosecution is recommenced, I stipulate that the prosecuting attorney's office may submit to this Court copies of all materials which make up the law enforcement/investigating agency's reports on which this prosecution is based;

28
DECLARATION OF DEFENDANT,
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1 NC 8. I stipulate that this Court may determine my guilt or innocence for the charge(s)
2 presently filed against me in this matter based solely upon the law
3 enforcement/investigating agency's reports on which this prosecution was based,
4 and I stipulate that the facts contained within the investigation reports are
5 sufficient for a trier of fact to find me guilty of the charge(s) presently filed
6 against me in this matter;

7 NC 9. I stipulate that any statements which I have provided to law enforcement, the
8 investigating agency, and/or the Jefferson County Prosecuting Attorney's Office
9 relating to this matter are admissible for this Court to consider at the time it
10 determines my guilt or innocence as described above, and I waive any and all
11 objections I have to the admission of such statement(s) for the Court's
12 consideration;

13 NC 10. I understand that, by this process, I am giving up the following constitutional
14 rights: the right to a jury trial; the right to a speedy and public trial by an
15 impartial jury in the county where the crime(s) is alleged to have been committed;
16 the right to hear and question witnesses who testify against me; the right to call
17 witnesses in my own behalf and at no expense to me; the right to testify or not to
18 testify; the right to appeal a determination of guilty after trial; and the
19 presumption of my innocence until the charge(s) have been proven beyond a
20 reasonable doubt or I enter a plea(s) of guilty;

21 NC 11. I understand that the crime(s) with which I am charged have a maximum sentence
22 of 1 years' imprisonment and a \$ 5,000⁰⁰ fine. The
23 standard range for this offense is 0 months to 12 months, based
24 on the prosecuting attorney's understanding of my criminal history. This standard
25 range may increase should I be later convicted of other crimes prior to my
26 sentencing in this case should I fail to successfully complete diversion. Also, if I
27 am later convicted of the present charge(s) against me, I will be prohibited from
28 possessing, owning, or having under my control any firearm unless my right to do
so is restored by a court of record.

DECLARATION OF DEFENDANT,
WAIVER OF JURY TRIAL, AND
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- 1 pc 12. I understand that the term of the Felony Diversion Program will be set for a
2 period of ~~twenty-four (24)~~ ^{SIX (6)} months, and that if I am incapable of successfully
3 completing the Felony Diversion Program within that time, the Court may order
4 the extension of the Felony Diversion Program upon the motion of the State.
- 5 pc 13. I agree that I will pay \$100.00 to the Jefferson County Crime Victim Fund and the
6 \$200 Superior Court Criminal Filing Fee in addition to other legal financial
7 obligations (LFO's) to the Jefferson County Superior Court including restitution.
- 8 pc 14. By my signature below I waive any and all defenses to the commission of the
9 charge(s) filed against me.

10
11 I declare under penalty of perjury under the laws of the State of Washington that
12 the foregoing is true and correct.

13 SIGNED in Port Townsend, Washington this 6th day of June, 2008.

14
15
16
17 Randall

Randall Lee Cole
Randall Lee Cole
Defendant

18
19
20
21 RESPECTFULLY SUBMITTED:
22 JUELANNE DALZELL
Prosecuting Attorney

21 WITNESSED AND APPROVED
22 FOR PRESENTATION:

23
24 By:

J. Dalzell
Juelanne Dalzell WSBA# 21508
Prosecuting Attorney

Randall Lee Cole
Attorney for Defendant

WSBA# 18502

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26
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28 DECLARATION OF DEFENDANT,
WAIVER OF JURY TRIAL, AND
STIPULATION TO FACTS SUFFICIENT
FOR GUILT

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