

09-29-91

KING COUNTY SUPERIOR COURT

PAGE 1

CASE#: 86-1-03802-3 CRIM JUDGMENT# NO
TITLE: STATE VS COLE
FILED: 09-25-86 APPEAL? NO

ARCHIVED: 09-29-91

CONSOLIDATED:

NOTE1: *SEE LEDGER CARD (BOND) 9-26-86

NOTE2: *CASE SET P2

PARTIES

CONN LAST NAME, FIRST MI TITLE LITIGANTS ARRAIGNED
PLA01 STATE OF WASHINGTON
DEF01 COLE, RICHARD KEMPTON

ATTORNEYS

CONN LAST NAME, FIRST MI TITLE LITIGANTS DATE
WTD01 IARIA, MICHAEL
WTD02 MCMURTRIE, JACKIE
DPA01 FLACK, KATE

SENTENCE-CHARGE

DEF01 COLE, RICHARD KEMPTON

DISPOSITION: CVCT CONVICTED BY COURT

DATE: 07-28-87

DISP. JUDGE: HALEY

SENTENCE DATE: 07-28-87 SENTENCED BY: HALEY

SENTENCING DEFERRED: NO APPEALED TO: DIVISION I DATE APPEALED:

PRISON SERVED..... X : CRIME VIC. COMP.....\$
PRISON SUSPENDED..... : FINE.....\$
JAIL SERVED..... : RESTITUTION.....\$
JAIL SUSPENDED..... : COURT COSTS.....\$ 130.50
PROB/COMM. SUPERVISION..... : ATTORNEY FEES.....\$
DUE DATE: PAID:

SENTENCE DESCRIPTION

CONVICTED BY COURT. SERVE 14M DOC. PAY COSTS. PAY CV/PEN ASSMT \$70.

CHARGE INFORMATION

RSLT CNT RCW/CODE DESCRIPTION COMMENT
ORIGINAL INFORMATION
GUIL 1 9A.44.100 INDECENT LIBERTIES

APPEARANCE DOCKET

SUB# DATE CD/CONN DESCRIPTION SECONDARY MICROFILM
- 09-25-86 \$CHC CHARGE COUNTY 70.00
1 09-25-86 INFO INFORMATION
2 09-25-86 ORW ORDER FOR WARRANT 15,000
3 09-26-86 CFR CONDITIONS FOR RELEASE - \$5,000
BOND TO BE TRANSFERRED FROM DIST
COURT - CASH OR SURETY
4 09-26-86 NTOHS NOTICE OF OMNIBUS HEARING SETTING 10-15-86

CASE#: 86-1-03802-3 CRIM JUDGMENT# NO
 TITLE: STATE VS COLE

-----APPEARANCE DOCKET-----

SUB#	DATE	CD/CONN	DESCRIPTION	SECONDARY	MICROFILM
5	09-26-86	OR	ORDER PROHIBITNG CONTACT		
6	09-26-86	NTARD	NOT OF APPEAR AND REQ FOR DISCOVERY		
7	09-26-86	OBAD	OBJECTIONS TO ARRAIGNMENT DATE		
-	09-26-86	ARRAIGN	ARRAIGN CAL/DIXON/BARTUNEK		
8	10-09-86	\$SHRTWA	SHERIFF'S RETRN ON WARRNT OF ARREST 15.50		
9	10-15-86	WVSPDT	WAIVER OF SPEEDY TRIAL 01-05-87		
-	10-15-86	PREHRG	ARRAIGN CAL/AITKEN/CAVANAGH		
10	10-29-86	WVSPDT	WAIVER OF SPEEDY TRIAL 02-02-87		
-	10-29-86	PREHRG	OMNIBUS CAL/AITKEN/BOUCH		
10.5	11-18-86	ORARC	ORDER AUTHOR REMOVAL OF COURT FILE		
11	11-19-86	ORSTD	ORDER SETTING TRIAL DATE	01-22-87TC	
-	01-22-87	NOTE	HOLD	02-05-87TO	
-	02-05-87	NOTE	HOLD	02-09-87	
-	02-05-87	NOTE	HOLD	02-09-87TO	
-	02-09-87	NOTE	HOLD	02-10-87TO	
		ACTION	INDECENT LIBERTIES		
		ACTION	02-17-87/NO LENGTH GIVEN		
11.5	11-19-86	OMAPA	OMNIBUS APPLICATION OF PROS ATTY		
11.6	11-19-86	OMAD	OMNIBUS APPLICATION BY DEFENDANT		
-	11-19-86	PREHRG	OMNIBUS CAL DIXON HEAGLE		
12	11-20-86	OOR	OMNIBUS ORDER HEARING		
13	12-22-86	NTWSUB	NOTICE WITHDRAW & SUBSTITUT COUNSEL		
14	01-20-87	SB	SUBPOENA		
-	01-22-87	MINUTE	TRIAL CAL WINSOR		
-	01-22-87	HOLD	HOLD CASE UNTIL 02-05-87		
-	02-05-87	MINUTE	TRIAL CAL WINSOR		
-	02-05-87	HOLD	HOLD CASE UNTIL 02-09-87		
15	02-09-87	ORET	ORDER EXTENDING TIME	02-17-87	
-	02-09-87	MINUTE	TRIAL CAL WINSOR		
-	02-09-87	HOLD	HOLD CASE UNTIL 02-10-87		
16	02-10-87	WVJTD	WAIVER OF JURY TRIAL BY DEFENDANT		
-	02-10-87	MINUTE	TRIAL CAL WINSOR		
-	02-10-87	AST	ASSIGNED TO HALEY		
16.2	02-10-87	NJTRIAL	TRIAL MINUTES 001.50		
			CR CHERYL ANDERSON		
		JDG17	JUDGE DONALD HALEY, DEPT 17		
16.3	02-11-87	EXLST	EXHIBIT LIST		
16.4	02-11-87	STP6YR	STIP&ORD-EXHIB&DEPO-NO 30 DAY DESTR		
16.5	02-11-87	MT	MOTION TO DETAIN MAT WITNESS		
16.6	02-11-87	MT	MOTION TO DETAIN MAT WITNESS		
16.7	02-11-87	ORCM	ORDER ON CRIMINAL MOTION		
16.8	02-11-87	ORDMW	ORDER TO DETAIN MATERIAL WITNESS		
16.9	02-11-87	WTRC	WITNESS RECORD		
17	02-12-87	\$SHRSS	SHERIFF'S RETRN OF SERV ON SUBPOENA	45.00	
18	02-17-87	PRSIO	PRESENTENCE INVESTIGATION ORDER	04-29-87	
19	02-23-87	SHRT	SHERIFF'S RETURN ON MAT WITNESS WARRANT		
20	05-14-87	PREHRG	C/R GINI ALEXANDER		
		JDG17	JUDGE DONALD HALEY, DEPT 17		
21	05-19-87	ORAP	ORDER APPOINTING COURT EXPERT		
-	06-22-87	\$NOTE	CALCULATION - COURT COSTS		130.50

09-29-91

KING COUNTY SUPERIOR COURT

PAGE 3

CASE#: 86-1-03802-3 CRIM JUDGMENT# NO
TITLE: STATE VS COLE

-----APPEARANCE DOCKET-----

SUB#	DATE	CD/CONN	DESCRIPTION	SECONDARY	MICROFILM
			S/D: 07/28/87 - HALEY 17		
22	07-28-87	CFR	CONDITIONS FOR RELEASE - \$25,000.00 CASH OR SURETY		
23	07-28-87	FNC	FINDINGS & CONCLUSIONS		
24	07-28-87	ADR	ADVICE OF RIGHTS		
25	07-28-87	STPATTY	STATEMENT OF PROSECUTING ATTORNEY		
26	07-28-87	DISPHRG	CR DAVID ERWIN		
		JDG17	JUDGE DONALD HALEY, DEPT 17		
27	07-28-87	JDS	JUDGMENT & SENTENCE		
-	07-28-87	\$PACV	PENALTY ASSESSED - CRIME VICTIMS	70.00	
		DEF01	COLE, RICHARD KEMPTON		
-	07-28-87	\$FAPDR	FEE ASSESSD-PUBLIC DEFENSE RECOUPMT	390.00	
28	08-31-87	OREXB	ORDER EXONERATING BOND - NO AMOUNT OR PERSON SPECIFIED		
29	09-02-87	WC	WARRANT OF COMMITMENT		
30	10-09-87	NTWDA	NOTICE OF WITHDRAWAL OF ATTORNEY		
31	11-24-87	ORPWE	ORDER FOR PAYMENT WITNESS EXPENSES		
-	11-24-87	\$EXWFA	EXPERT WITNESS FEES ASSESSED	900.00	
32	04-19-88	NTRL	NOTICE OF RELEASE/DOC		
-	06-06-88	\$FFRCR	FILING FEE REC'D - CRIMINAL	+	70.00
-	06-06-88	\$SFR	SHERIFF'S FEES RECEIVED	+	60.50
-	06-06-88	\$PRCV	PENALTY RECEIVED - CRIME VICTIMS	+	70.00
-	06-06-88	\$NOTE	COURT COSTS & CV PENALTY PAID		
33	06-30-88	FNDCCR	FINAL DISCHRG RESTORING CIVIL RIGHT		

-----END COPY CASE-----

86 SEP 25 11 05
FILED
SEATTLE, WA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)

Plaintiff,)

v.)

RICHARD KEMPTON COLE,)

Defendant.)

NO. 86-1-03802-3

INFORMATION

WARRANT ISSUED
CHARGE COUNTY \$70.00

I, Norm Maleng, Prosecuting Attorney for King County in the name and by the authority of the state of Washington, do accuse Richard Kempton Cole of the crime of indecent liberties, committed as follows:

That the defendant Richard Kempton Cole, in King County, Washington, during a period of time intervening between July 21, 1986 and July 22, 1986, did knowingly cause Seth R. Dalby, who was less than 16 years of age to have sexual contact with the defendant at a time when the defendant was more than forty-eight months older than Seth R. Dalby and was in a position of authority over Seith R. Dalby;

Contrary to RCW 9A.44.100, and against the peace and dignity of the state of Washington.

NORM MALENG
Prosecuting Attorney



By
KATHERINE M. FLACK
Deputy Prosecuting Attorney

Information

NORM MALENG
Prosecuting Attorney
W554 King County Courthouse
Seattle, Washington 98104
583-2200

POSTED
R

3 CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

4 That Katharine M. Flack is a Deputy Prosecuting Attorney
5 for King County and is familiar with the police report and investi-
6 gation conducted in King County Department of Public Safety case
7 No. 86-193778;

8 That this case contains the following upon which this
9 motion for the determination of probable cause is made;

10 Seth R. Dalby, date of birth July 30, 1971, was a
11 student, during the 1985-1986 school years of the defendant.

12 During the months May through July 1986, the young man
13 would spend Monday evenings at the defendant's King County resi-
14 dence. On July 21, 1986, the defendant made arrangements to have
15 the boy spend the night. At approximately 11:00 p.m. the young
16 man went to sleep in the only available bed in the defendant's
17 home clothed in a sweatshirt and shorts. The defendant came in to
18 the bed wearing only a bathrobe and began to give the victim a
19 body massage. The victim agreed to a neck massage.

20 The defendant massaged the victim's whole body, over the
21 victim's verbal protests. During this portion of the attenuated
22 full body massage the defendant sat on the victim. At this time,
23 the victim could feel the defendant's bare erect penis on his
24 skin.

25 The defendant pulled down the young man's underwear and
26 began to masturbate the young boy. Three times the victim edged
away and attempted to stop the defendant. Three times the defen-
dant pursued the boy. Finally, the defendant left the bed.

Early the next morning, the young man left. The defen-
dant found him walking home. The defendant talked with the boy
during which he apologized. The boy immediately reported to his
father.

State requests \$15,000, cash or surety. The defendant
has recently made arrangements to move to Maryland. The State has
information that the defendant is close to completing the sale of
his house. He is ready to move except for that detail.

23 Under penalty of perjury under the laws of the State of
24 Washington, I certify that the foregoing is true and correct.
25 Signed and dated by me this 25 day of September, 1986, at
26 Seattle, Washington.


KATHERINE M. FLACK

Certification for Determination
of Probable Cause

NORM MALENG
Prosecuting Attorney
W554 King County Courthouse
Seattle Washington 98104
583 2200

FILED

86 SEP 25 P 4 03

SUPERIOR COURT
SEATTLE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

RICHARD KEMPTON COLE,

Defendant.

NO. 86-1-03802-3

MOTION AND ORDER DETERMINING THE
EXISTENCE OF PROBABLE CAUSE,
DIRECTING ISSUANCE OF WARRANT
AND FIXING BAIL

The plaintiff, having informed the court that it is filing herein an Information charging the defendant with the crime(s) of **INDECENT LIBERTIES** now moves the court for an order determining the existence of probable cause and directing the issuance of a warrant for the arrest of the defendant, and

(X) fixing the bail of the defendant in the amount of \$15,000, surety or property bond, or cash; and no contact direct or indirect with victims and witnesses; nor shall he have contact with any other minors except in the presence of a responsible adult;

() directing the release of the defendant, after booking, on his or her personal recognizance and promise to appear for arraignment at the scheduled time and date; and

In connection with this motion, the plaintiff offers the information on the Suspect Information Report attached to this motion and the affidavit attached to the Information.

NORM MALENG
Prosecuting Attorney

By KATHERINE M. FLACK
Deputy Prosecuting Attorney

ORDER

The court, having reviewed the affidavit submitted herein, hereby determines that probable cause exists to believe that the above-named defendant committed the crimes alleged in the Information herein; and

IT IS ORDERED that the Clerk of the Superior Court issue a warrant, returnable forthwith, for the arrest of the above-named defendant; and

IT IS FURTHER ORDERED that

(X) the bail of the defendant is fixed in the amount of \$15,000, surety or property bond, or cash; and no contact direct or indirect with victims and witnesses; nor shall he have contact with any other minors except in the presence of a responsible adult;

Motion and Order Determining the Existence of Probable Cause, Directing Issuance of Warrant and Fixing Bail - 1

POSTED
NORM MALENG
Prosecuting Attorney
W554 King County Courthouse
Seattle Washington 98104
583 2200

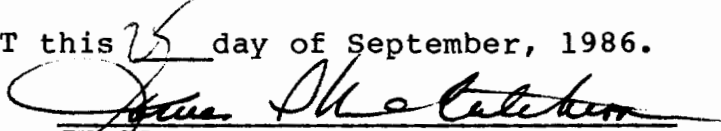
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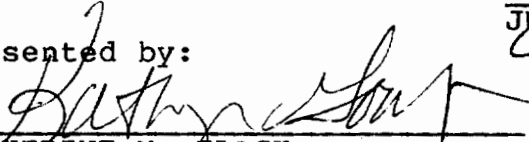
() the defendant be released, after booking, on his or her personal recognizance and promise to appear for arraignment at the scheduled time.

IT IS FURTHER ORDERED that the defendant be advised of the amount of bail fixed by the court and/or conditions of his or her release, and of his or her right to request a reduction of bail and to be heard thereon. Service of the warrant by telegraph or teletype is authorized.

DONE IN OPEN COURT this 25 day of September, 1986.


JUDGE

Presented by:


KATHERINE M. FLACK
Deputy Prosecuting Attorney

SUSPECT INFORMATION REPORT 1

CASE NO 86 193778

DATE OF REPORT: 09-22-86		TIME: 1035		KING COUNTY POLICE		POLICE DEPARTMENT		UNIT		FILE NO		
BOOKING DATE		TIME		OFFENSE: INV. OF INDECENT LIBERTIES				B A NUMBER				
NAME: COLE, RICHARD KEMPTON						SEX: MALE		RACE: WHITE				
DATE OF BIRTH: 07-08-48		STATE OR PROVINCE OF BIRTH: OREGON		HEIGHT: 6-01		WEIGHT: 175		HAIR: BRN		EYES: GRN		SKIN TONE: FAIR
SCARS, MARKS, TATTOOS, ARTIFICIAL BODY PARTS ETC: NONE				CAUTION - ARMED, DANGEROUS: NO				STATEMENT TAKEN? YES		OWN REAL PROPERTY? YES		
LAST KNOWN ADDRESS: 14936-21 SW SEATTLE, WA 98166						TELEPHONE NUMBER: 241-4665		DRIVER LICENSE NUMBER: COLE*RK527MH				
STATE: WA		EXPIRES: 90		SOCIAL SECURITY NUMBER: 535-42-0323		LOCAL NUMBER		FBI NUMBER		STATE ID NUMBER		
FINGERPRINT CLASSIFICATION				ALIAS NAME(S): "RICK"				VEH LIC NO: LTP 757		STATE: WA		EXP: 86
VEHICLE I.D. NO: WNWGG0169FW659052		YEAR: 85		MAKE: VW		MODEL: JETTA		STYLE: 4DR		COLOR(S): GRAY		
OCCUPATION: SECONDARY TEACHER		BUSINESS ADDRESS OR SCHOOL (COMPANY NAME - ADDRESS - DEPARTMENT OR SHOP NO. AND PHONE): UNEMPLOYED										
MARRIED - <input checked="" type="checkbox"/>		CHILDREN (IND): NONE		LIVING WITH: 16 YEARS				UNION AND LOCAL NUMBER: NONE				
INVESTIGATING OFFICER: DET. LAWRENCE W. DALY		SERIAL: 04665		UNIT: 203		PHONE: 344-7557		APPROVING OFFICER				
CRIMINAL RECORD (CONVICTIONS): NONE				ACTIVE PROBATION OR PAROLE PROBATION OFFICER, PHONE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				NAME(S) OF ACCOMPLICE: NONE				

ARRESTING AGENCY AFFIDAVIT
 [CONCISELY SET FORTH FACTS SHOWING PROBABLE CAUSE FOR EACH ELEMENT OF THE OFFENSE AND THAT THE SUSPECT COMMITTED THE OFFENSE. IF NOT PROVIDED, THE SUSPECT WILL BE AUTOMATICALLY RELEASED. INDICATE ANY WEAPON INVOLVED].
 ON 07-21-86, SUSPECT COLE HAD A 15 Y.O. MALE FRIEND STAY AT HIS RESIDENCE. AFTER WATCHING T.V. THEY RETIRED TO HIS BEDROOM TO GO TO SLEEP. ONCE IN BED SUSPECT OFFERED THE VICTIM A BODY MASSAGE. BETWEEN 2300 HRS TO 0300 HRS, SUSPECT COLE MASSAGED THE VICTIM. TOWARDS THE LAST HOUR SUSPECT COLE PULLED THE VICTIM'S SHORTS DOWN AND STARTED TO MASTURBATE HIM. THE VICTIM ATTEMPTED TO PULL HIS SHORTS UP AND PULL THE BED COVERS OVER HIM. SUSPECT COLE WOULD PULL DOWN THE VICTIM'S SHORTS AND BED COVERS AND WOULD AGAIN MASTURBATE THE VICTIM. ON 07-22-86, AT 1200 HRS. SUSPECT COLE CONFESSED TO THE SEXUAL ASSAULT. THE ASSAULT OCCURRED AT 14936 21 AVE S.W. SEA, WHICH IS IN KING COUNTY.
 I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.
 09-22-86 Det DET. LAWRENCE W. DALY KCDPS 1

LAW ENFORCEMENT POSITION ON RELEASE:
 WOULD SAFETY OF INDIVIDUAL OR PUBLIC BE THREATENED IF SUSPECT RELEASED ON BAIL OR RECOGNIZANCE [CONSIDER HISTORY OF VIOLENCE, MENTAL ILLNESS, DRUG DEPENDENCY - BE SPECIFIC]? ANY OTHER REASONS WHY SUSPECT SHOULD NOT BE RELEASED [CONSIDER PRIOR FAILURE TO APPEAR, LACK OF TIES TO COMMUNITY - BE SPECIFIC].
 SUSPECT COLE WAS FIRED FROM HIS TEACHING JOB OVER THIS INCIDENT. SUSPECT COLE HAS HIS HOUSE UP FOR SALE. SUSPECT COLE HAD PLANNED TO LEAVE TODAY TO DRIVE BACK TO MARYLAND TO BE WITH HIS WIFE WHO IS IN A MENTAL INSTITUTION - SINCE COLE HAS NO TIES TO THE COMMUNITY I BELIEVE IT WOULD BE A RISKY TO RELEASE HIM FROM CUSTODY. 86-1 03802 3 2

PRELIMINARY APPEARANCE INFORMATION		BOND POSTED	
DATE: 9-23-86	JUDGE: McElroy/Howard	DATE:	AMOUNT: \$
P.R.: YES <input type="checkbox"/> NO <input type="checkbox"/>		CONDITIONS:	
RETURN DATE: 9-25-86	RETURNED: YES <input type="checkbox"/> NO <input type="checkbox"/>	EXCUSED: YES <input type="checkbox"/> NO <input type="checkbox"/>	NOT RELEASED <input checked="" type="checkbox"/> BOND SET: \$ 5,000
SUPERIOR COURT FILING INFORMATION			
AT LARGE - NO ARREST <input type="checkbox"/>		AT LARGE - EXCUSED <input type="checkbox"/>	
P.R.D. AT P.A. <input type="checkbox"/>		OUT ON BOND <input checked="" type="checkbox"/> NO.	
ORIGINAL FILING <input checked="" type="checkbox"/>	BIND OVER/DIRECT FILING <input type="checkbox"/> FROM _____ COURT; DIST CT NO: _____		
DIST. CT. BOND: \$		ATTORNEY: _____ P R R	
BOND REQUESTED: \$ 15,000		JUSTIFICATION FOR INCREASE: _____	

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

Richard Cole
Defendant.

86 SEP 26

44

NO.

86-1-03802-3

CONDITIONS OF RELEASE FOR DEFENDANT

PENDING TRIAL

IT IS HEREBY ORDERED that the above-named defendant shall be released from the King County Jail and is ordered to appear personally for court hearings and for trial. This release is on the following conditions:

- On personal recognizance
- To the custody of _____ who has agreed to supervise the defendant.
- Travel, residence or association are restricted as follows:
- On execution of an unsecured appearance bond in the amount of \$ _____.
- On execution of an appearance bond in the amount of \$ _____ and deposit in the court in cash or other approved security 10% thereof (to be returned to defendant upon performance of the condition of release)
- On execution of a surety bond or posting of cash in the amount of \$ 5000 to be transferred from Seattle District Court
- On condition of return to custody during the following hours:
- On condition: _____
- Certified copy of this order is to be provided to the defendant at public expense.

In addition to the above conditions, defendant is not to leave the State of Washington without specific approval by court order.

DATED this 26 day of September, 1986.

[Signature]
JUDGE

STATEMENT BY DEFENDANT:

My address and phone number will be 8425 NE 21st Pl. Bellevue, WA 98004 425-2267

I HAVE READ THIS ORDER. I understand that if I violate conditions of release I can be arrested and punished for contempt of court. If I fail to appear for court hearings, I will be committing an additional crime of bail jumping as defined in RCW 9A.76.170.

Richard Cole
(Signature of defendant)

Presented by:

CERTIFIED COPY TO WARRANTS SEP 26 1986

CERTIFIED COPY TO COUNTY JAIL SEP 26 1986

POSTED
44

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SEP 23 1986

RECEIVED BY MAIL ROOM DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)

Plaintiff,)

NO. 86-103802-3

Richard Cole v.)

NOTICE OF OMNIBUS DATE)

Defendant.)

HAVING NOW being arraigned on this matter, Your omnibus hearing has been set for

10-15-86

at 2:00 p.m. in the Criminal Law Department, King County Courthouse. **You must be present at that time** or a warrant may be issued for your arrest and your failure to appear may result in additional criminal charges being filed.

I acknowledge receiving a copy of this notice.

Richard K Cole
DEFENDANT

9-26-86

DATE

Plea Judge: Mattson

NOTICE OF OMNIBUS DATE

4

FILED

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

86 SEP 26

P 2

41

86-1 03802 3

Plaintiff,

NO.

v.

Richard Kempton Cole

Defendant.

SUPERIOR COURT
SEATTLE, WASH

ORDER PROHIBITING CONTACT

THIS MATTER having come on before the undersigned judge of the above-entitled court, and the court having considered the records and files herein and being fully advised in the premises; now, therefore,

IT IS HEREBY ORDERED that the defendant shall have no contact, directly, or indirectly in person, in writing, or by phone, personally or through other person, with Seth Dalby

until the trial of this cause is concluded.

DATED this 26th day of September, 1986.

JUDGE

Presented by:

William A. Fugoli
Deputy Prosecuting Attorney

Copy Received:

Richard K. Cole
Defendant

ORDER PROHIBITING CONTACT

SEAL

NORM MALENG
Prosecuting Attorney
W554 King County Courthouse
Seattle Washington 98104
583 2200

SEP 26 1986 SEP 26 PM 2:50

IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
PROSECUTING ATTORNEY
STATE OF WASHINGTON, CRIMINAL DIVISION

Plaintiff,	)	NO. 86-1-03802-3
v.	)	NOTICE OF APPEARANCE AND REQUEST
Richard Kempton Cole	)	FOR DISCOVERY PURSUANT TO CrR
Defendant.	)	4.7 AND LCrR 4.5(j) AND REQUEST
	)	FOR CRIMINAL HISTORY AGGRAVATING
	)	FACTOR, AND REAL FACTS TO BE
	)	RELIED ON BY PROSECUTION

TO: CLERK OF THE SUPERIOR COURT
NORM MALENG, PROSECUTING ATTORNEY
FILING DEPUTY in the above matter

YOU WILL TAKE NOTICE that the undersigned is appearing as counsel for the defendant above-named.

YOU ARE HEREBY REQUESTED to preserve any and all physical evidence relating to the alleged offense including, but not limited to, police communications (911) tapes, and the scene of the alleged crime until final disposition of this cause or until further order of this court. This request is made pursuant to State v. Boyd, 29 Wn.App. 584 (1981) and U.S. v. Agurs, 427 U.S. 97, 49 L.Ed.2d 342 (1976).

YOU ARE HEREBY REQUESTED to provide discovery of the following materials as provided by CrR 4.7 and LCrR 4.5(j) so that timely decision may be made regarding selection of a trial date or changing the plea.

1. The names and addresses of persons whom the prosecuting attorney intends to call as witnesses at the hearing or trial, together with any written or recorded statements and the substance of any oral statements of such witnesses;

2. Any written or recorded statements and the substance of any oral statements made by the defendant, or made by a co-defendant if the trial is to be a joint one;

3. When authorized by the court, those portions of grand jury minutes containing testimony of the defendant, relevant testimony or persons whom the prosecuting attorney intends to call as witnesses at the hearing or trial, and any relevant testimony that has not been transcribed;

4. Any reports or statements of experts made in connection with the particular case, including results of physical or mental examinations and scientific tests, experiments, or comparison;

NOTICE OF APPEARANCE AND
REQUEST FOR DISCOVERY
Page 1 of 2

*Put -
'No' means
no one told him,
I he does not
know it it was
changed then it
not.
P.*



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R

1
2 5. Any record or prior criminal convictions of the
3 defendant known to the prosecuting attorney, including copies of
4 any and all documents, including but not limited to guilty plea
5 forms and/or transcripts upon which the prosecutor intends to
6 rely for the purpose of establishing the prior record;

7 Any information known to the prosecuting attorney
8 regarding pardon, dismissal, or restoration of civil rights
9 with respect to any prior criminal convictions of defendant;

10 6. Any record known to the prosecuting attorney of
11 prior criminal convictions of any persons whom the State intends
12 to call as witnesses at a hearing or trial in this case;

13 YOU ARE FURTHER REQUESTED to provide notice of the
14 defendant's criminal history (RCW 9.94A.030(8)) and the aggravating
15 factors (RCW 9.94A.390) upon which the State will rely if the
16 defendant's case ultimately proceeds to sentencing, so that timely
17 decision may be made regarding selection of a trial date or
18 changing the plea.

19 This request is made pursuant to Const. Art. I., Sec
20 22 and U.S. Const. Amends. V and XIV.

21 YOU ARE FURTHER REQUESTED to provide prompt discovery
22 of the following:

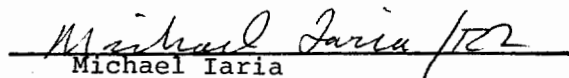
23 1. With respect to criminal history, the crime or
24 crimes (with specific status violated for out-of-state convictions),
25 the date of conviction, the date of release from custody, the
26 state and county of conviction, and the cause number.

27 2. If the State intends to argue or present evidence
28 of aggravating circumstances to justify a departure from the
29 guidelines pursuant to RCW 9.9A.390, the specific evidence the
30 State intends to present to the Court on that issue.

31 3. Real facts upon which the State intends to rely.
32 RCW 9.94A.370.

DATED this 26th day of September, 1986.

Respectfully submitted,


Michael Iaria
Attorney for Defendant

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NOTICE OF APPEARANCE AND
REQUEST FOR DISCOVERY
Page 2 and FINAL

FILED

KING COUNTY, WASHINGTON

SEP 28 1986

CLERK OF SUPERIOR COURT
KING COUNTY, WASHINGTON

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,
Plaintiff,
v.
Richard Cole
Defendant.

NO. *86-1-03802-3*

OBJECTION TO DATE
OF ARRAIGNMENT

Defendant hereby objects to the date of arraignment,
pursuant to CrR 3.3(e).

DATED this *26* day of *September*, 19*86*.

Richard K. Cole

DEFENDANT

7c



SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)
Plaintiff,)
v.)
RICHARD KEMPTON COLE,)
Defendant.)

NO. 86-1-03802-3

ARREST WARRANT

OCT -9 PM 3:07

KING COUNTY
SUPERIOR COURT CLERK

To Any Peace Officer In The State Of Washington:

An information has been filed in the above entitled Court, charging RICHARD KEMPTON COLE with the crime(s) of INDECENT LIBERTIES (RCW 9A.44.100) and the Court having determined that there is probable cause for the issuance of a warrant,

You are therefore commanded to forthwith arrest the said RICHARD KEMPTON COLE and keep him/her in custody until he/she is discharged according to law, and make due return of this writ with your manner of service endorsed thereon.

Service of this warrant by telegraph or teletype is authorized.

Bail fixed in the sum of \$15,000 Cash or Surety; Surety Bond to be approved by the Court and have no contact direct or indirect with victim or witnesses; nor shall he have contact with any other minors except in the presence of a responsible adult.

Arrest Warrant - CrR 2.2(c), RCW 10.31.060

The court has ordered the issuance of this warrant.

Witness my hand and Seal this SEP 25 1986 day of September, 1986.

M. JANICE MICHELS, Clerk of Superior Court

By

[Handwritten Signature]

Deputy Clerk
RUTH M. PERALTA CLARK

STATE OF WASHINGTON)

: ss.

King County)

I received the above Warrant on 9/25, 1986 and Executed the same on 9/25, 1986, by arresting the defendant named ABOVE

and BOOKING

FEES
Service, 15.00
Mileage, .30
Keeping, _____
Total 15.30

P. Benner
Signature
P. BENNER DET.
Type or Print Name and Title
KCD PS
Agency

POSTED

Return of Arrest Warrant (Cr.R 2.2(e))

[Handwritten initials]

CRIMINAL WARRANT INFORMATION 4

CASE NO.

87	105018
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DATE OF REPORT: 9/25/86	TIME 10:25	POLICE DEPARTMENT	UNIT	FILE NO.
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BOOKING DATE	TIME	OFFENSE INV. OF INDECENT LIBERTIES	B/A NUMBER
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NAME (LAST, FIRST, MIDDLE - JR., SR., 1ST, 2ND, 3RD) COURTNEY RAYMOND WATSON	SEX M	RACE W
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DATE OF BIRTH 07/24/48	STATE OR PROVINCE OF BIRTH OREGON	HEIGHT 601	WEIGHT 175	HAIR BLN	EYES GRN	SKIN TONE FAIR
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SCARS, MARKS, TATTOOS, ARTIFICIAL BODY PARTS, ETC. NONE	CAUTION - ARMED, DANGEROUS NO	STATEMENT TAKEN?	OWN REAL PROPERTY? YES
--	----------------------------------	------------------	---------------------------

LAST KNOWN ADDRESS - CITY, STATE, ZIP 14936-2150, N.W. 47th, A 98106	TELEPHONE NUMBER 204-4665	DRIVER LICENSE NUMBER COLE*SKS27MH
---	------------------------------	---------------------------------------

STATE WA	EXPIRES 90	SOCIAL SECURITY NUMBER 535-42-0233	LOCAL NUMBER	FBI NUMBER	STATE ID NUMBER
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FINGERPRINT CLASSIFICATION	ALIAS NAME(S) None	VEH. LIC. NO. LTP757	STATE WA	EXP. 86
----------------------------	-----------------------	-------------------------	-------------	------------

VEHICLE I.O. NO. 1JVN6G0167 FUDGE	YEAR 85	MAKE VW	MODEL Jetta	STYLE 4DR	COLOR(S) GRY
--------------------------------------	------------	------------	----------------	--------------	-----------------

OCCUPATION SECONDARY TEACHER	BUSINESS ADDRESS OR SCHOOL (COMPANY NAME - ADDRESS - DEPARTMENT OR SHOP NO. AND PHONE) UNEMPLOYED
---------------------------------	--

MARITAL STATUS - CHILDREN (NO.) MARRIED - 0	LIVING WITH NONE	TIME IN COUNTY 16 YEARS	UNION AND LOCAL NUMBER NONE
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INVESTIGATING OFFICER DET. LAWRENCE W DALY	SERIAL 01165	UNIT 203	PHONE 344-7557	APPROVING OFFICER
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CASE NUMBER	WARRANT DATE	TOW	OFF CODE	OFFENSE Ind. Lib.	BENCH ARREST <input checked="" type="checkbox"/>
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AMOUNT OF BAIL 15,000	WARRANT NUMBER	ISSUING AGENCY	COURT Superior	FILE
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FELONY <input type="checkbox"/>	MISDEMEANOR <input type="checkbox"/>	MISCELLANEOUS INFORMATION (I.D. NUMBERS, NAME OF ATTORNEY, SURRENDER DATE, ETC.)
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RECEIVED
 KING COUNTY JAIL
 SEP 26 1986
 86-1 03802 3

AT LARGE <input type="checkbox"/>	IN CUSTODY <input type="checkbox"/>	OUT ON BOND <input checked="" type="checkbox"/>
P.A. RETURN DATE: 9/25	SUBJ. ARR. DATE: 9/26	

INFORMATION REQUIRED FOR WARRANT ENTRY INTO SEAKING, WACIC, AND NCIC WILL BE FURNISHED BY THE ORIGINATING AGENCY AND/OR PROSECUTING ATTORNEY.

EXTRADITION INFORMATION

MUST BE APPROVED BY THE CHIEF OR ASSISTANT CHIEF PROSECUTING ATTORNEY

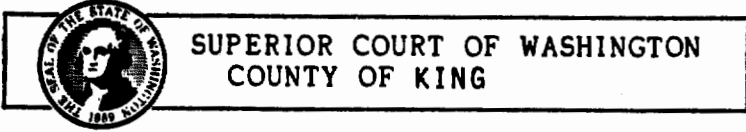
APPROVED BY _____ FOR EXTRADITION FROM

- SEAKING - LOCAL ONLY
- WACIC - STATE WIDE
- NCIC - WILL EXTRADITE FROM OR., IDA., MONT., WYO., CALIF., NEV., UTAH, COLO., ARIZ., NM, HAWAII & ALASKA
- NCIC - WILL EXTRADITE FROM IDA., & ORE. ONLY.
- NCIC - WILL EXTRADITE FROM U.S. INCLUDING HAWAII & ALASKA

FOR DATA SYSTEMS USE ONLY

SPEAKING: CCN/ 1262213	DOE	TOE	SER
WACIC: WAC/	DOC	TOC	SER
NCIC: NIC/			
WARRANT RELEASED TO:	SERIAL	UNIT	DATE
			TIME

FILED
KING COUNTY, WASHINGTON



OCT 15 1986

SUPERIOR COURT CLERK
BY GARY POVICK
DEPUTY

STATE OF WASHINGTON Plaintiff,

vs.

No. 86-1-03802-3

Richard K. Cole

Defendant.

WAIVER OF SPEEDY TRIAL

AFTER being fully informed of my right to a trial within sixty (60) days if I am in jail and to a trial within ninety (90) days if I am not in jail,

Onnibus continued to October 29, 1986

I do hereby waive the 60/90 day rule to January 5, 1987.
Date

Richard K. Cole
Signature of Defendant

Michael B.
Attorney for Defendant

DATED: 10/15, 1986.

Approved by: *Arthur Aulken*
JUDGE

9

FILED
KING COUNTY, WASHINGTON

OCT 29 1986

SUPERIOR COURT CLERK
BY GARY POVICH
DEPUTY



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

STATE OF WASHINGTON

Plaintiff,

vs.

Richard K. Cole

Defendant.

No. 86-1-03802-3

WAIVER OF SPEEDY TRIAL

AFTER being fully informed of my right to a trial within sixty (60) days if I am in jail and to a trial within ninety (90) days if I am not in jail,

numbers continued to November 19, 1986

I do hereby waive the 60/90 day rule to February 2, 1987.
Date

Richard K. Cole
Signature of Defendant

[Signature]
Attorney for Defendant

DATED: 10/29, 1986.

Approved by: [Signature]
JUDGE

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m



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

NOV 18 3 58
KING
SUPERIOR
Plaintiff(s)

NO. 86-1-03802-3

ORDER AUTHORIZING REMOVAL OF COURT FILE

vs.

Cole, R.

Defendant(s)

IT IS ORDERED that:

Name: P. CRAFT

Address: 13727 NE 11th St.
Bellevue WA 98005

Telephone No.: 644-9771

is authorized to remove from the Clerk's Office the file in the above entitled matter for a period of 2 days.

Dated: 11/17/86

Charles M. ...
Judge/Court Commissioner/
Approving Authority

Presented by:

P. M. ...

Rec'd
11/17/86
[Signature]

EXPO1

COURT COMMISSIONER PRO TEM

Display Pager # 994-2560

- DIAL 994 2560

- After the tones
type in the # you want
me to call

- then push the "#"
sign

- I'll call within 10 minutes

POSTED
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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 v.)
)
 Cole, Richard K.)
)
 Defendant.)

NO. 86-1-03802-3
ORDER SETTING TRIAL DATE
(CrR 3.3)

FILED
KING COUNTY, WASHINGTON
NOV 19 1986
SUPERIOR COURT CLERK
BY GARY POVIER

To the Above Named Defendant And To Your Attorney:

You are hereby notified that your trial is set for 1-22, 19 87. The proper date of arraignment on this information was 9-30, 19 86. The following dates are set forth to conform to the provisions of CrR 3.3.

Time elapsed in District Court affecting CrR 3.3 was _____ days.

Your reappearance following your failure to appear took place on _____, 19____.

Other _____

Pretrial hearings are scheduled for _____, 19____ at _____. Defendant must be present for this hearing to be held before a criminal motions judge.

I understand that 118 days will elapse before my assigned trial date.

I further understand that failure to object to the date set for trial within 10 days of today will waive any objection that the above date is in violation of CrR 3.3.

I acknowledge receiving a copy of this Order Setting Trial Date and Pretrial Hearings.

DATED this 19 day of 11, 19 86
Michael [Signature] DEFENSE ATTORNEY
Richard K. Cole DEFENDANT

WAIVER OF RIGHT TO TRIAL WITHIN 60/90 DAYS

AFTER BEING fully advised of my right to trial within 60 days if I am in custody or to a trial within 90 days if I am not in custody, under the provisions of CrR 3.3, I hereby waive my right to trial beyond this trial date to (Date) _____

DEFENSE ATTORNEY
DONE IN OPEN COURT this 19 day of November, 19 86
[Signature] DEFENDANT
[Signature] JUDGE

X 2-787

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)
Plaintiff,)
Richard K. Cole)
Defendant.)

NO. 86-1-03802-3

OMNIBUS APPLICATION OF PROSECUTING ATTORNEY AS TO DEFENDANT

FILED
NOV 19 1986

1. The State of Washington makes the following discovery motions:

- a. Defendant to state the general nature of defendant's defense.
- b. Defendant to state whether there is any claim of incompetence to stand trial or change plea.
- c. Defendant to state whether or not defendant will rely on an alibi and, if so, to furnish a list of defendant's alibi witnesses and their addresses.
- d. Defendant to state whether or not defendant will rely on a defense of insanity or diminished capacity at the time of the offense.
 - (1) If so, defendant to supply the name(s) of defendant's witness(es) on the issue(s) of insanity or diminished capacity, both lay and professional, whom the defense may call to testify.
 - (2) If so, defendant to permit the prosecution to inspect and copy all medical and other professional reports from any witness(es) whom the defense may call as well as any materials and reports of others which were reviewed by those witness(es).
 - (3) Defendant will also state whether or not defendant will submit to a psychiatric examination by a doctor selected by the prosecution.
- e. Defendant to furnish results of scientific tests, experiments or comparisons and the names of persons who conducted the tests.
- f. Defendant to provide in writing discovery of: names, addresses, phone numbers, summaries of testimony, and written statement(s) of each and every person whom the defense may call to testify.
- g. Defendant to permit the prosecution to inspect physical or documentary evidence which may be offered by the defense.

2. The State of Washington makes these additional applications or motions (check if requested):

- a. Defendant to be fingerprinted.
- b. Defendant to permit taking samples of:
 - blood; hair;
 - saliva; _____
- c. Defendant to provide handwriting exemplar.
- d. Defendant to try on articles of clothing.
- e. Defendant to submit to physical external inspection of defendant's body.
- f. Defendant to appear in a line-up.
- g. Defendant to speak for a voice identification by witnesses.
- h. Defendant to be photographed.
- i. For the court to schedule a CrR 3.5 hearing.
- j. _____

3. If the defendant testifies at trial, the state may offer evidence of prior convictions as disclosed in the state's discovery. If additional criminal convictions are found, the state will advise defendant of such convictions and may offer such convictions at trial.

Dated: 11-19-86

D. J. Roe
Deputy Prosecuting Attorney

11.5
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Original

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

2 STATE OF WASHINGTON,)
 3 Plaintiff,)
 4 v.)
 5 Richard K. Cole,)
 6 Defendant.)

NO. 86-1-03802-3
 OMNIBUS APPLICATION OF DEFENDANT
 STATE OF WASHINGTON

NOV 19 1986
 SUPERIOR COURT CLERK
 BY GARY POWERS
 DEPUTY

7 COMES NOW the above-named defendant, by his attorney, and upon
 8 all of the files, records and proceedings heretofore had herein, and
 respectfully makes the following motions, requests and
 9 representations:

10 A. Defendant moves this Court for the entry of an order
 requiring the State to disclose the following material and
 11 information within the knowledge, possession or control of the
 State, its agents and subordinates, or which by the exercise of due
 12 diligence might become known to them, so that the defendant might
 inspect, copy, photograph or test same:

- 13 1. The names and addresses of all persons the State intends to call
 14 as witnesses at any hearing or trial, including evidence
 gathered before or during trial for use by the State in
 15 rebuttal, together with a copy of all written or recorded
 statements of such persons and the substance of any and all oral
 statements of such persons and the names and addresses of
 persons present when such statements were made.
- 16 2. All written or recorded statements and the substance of all oral
 17 statements made by the defendant or co-defendant, and the names
 and addresses of any persons present when such statements were
 18 made.
- 19 3. The names and addresses of all persons who have information
 20 concerning the alleged offense, the nature of the information
 they possess, regardless of whether the State intends to call
 them as a witness.
- 21 4. Any books, papers, documents, photographs, or other tangible
 objects which the State intends to use at the hearing or trial,
 or which are relevant to this prosecution.
- 22 5. To disclose whether the State will rely upon prior acts,
 23 statements, or convictions of the defendant to show motive,
 opportunity, intent, preparation, plan, knowledge, identity, or
 24 absence of mistake or accident, together with a statement of
 that to be relied upon and its purpose.
- 25 6. Any and all information and records concerning prior criminal
 26 convictions of the defendant, co-defendant, and persons whom the
 State intends to call as witnesses at the hearing or trial.
- 27 7. Any and all electronic surveillance of the defendant's premises
 or conversations to which the defendant was a part and any
 28 record thereof.
- 29 8. Any and all information indicating entrapment of the defendant
 or co-defendant.
- 30 9. To indicate the relationship, if any, of the State's witnesses
 to the prosecuting authority.

31 OMNIBUS APPLICATION OF DEFENDANT - 1

32 LAW OFFICES OF
 THE PUBLIC DEFENDER
 810 THIRD AVENUE
 8TH FLOOR, CENTRAL BUILDING
 SEATTLE, WASHINGTON 98104
 (206) 447-3900

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10. To state whether or not an informer is involved; whether he/she will be called as a witness; and state the name and address of the informer or claim the privilege.
 11. Any and all information or material which may tend to exculpate the defendant or which tends to negate defendant's guilt as to the offense charged.
 12. The names and addresses of any and all expert witnesses the State intends to call at the hearing or trial together with a summary of their testimony and their qualifications, background, education, training and the treatises or texts they rely upon.
 13. Any and all reports, statements, notes, test results, test procedures or other work product of experts, made in connection with this case, including, but not limited to, the results of physical or mental examinations and scientific tests, experiments or comparisons.
 14. Any and all reports made by agents of the state pertaining to the investigation of this case; including but not limited to arrest reports, police reports and follow-up reports.
 15. To disclose any and all information regarding pre-trial identification procedures employed in this case; including but not limited to the following:
 - a. The time, date, location and type of identification procedure employed.
 - b. The names and addresses of all persons present at the identification and any statements made in regard to the offense or identification.
 - c. Whether an identification was made; the name and address of person identified; the name and address of the person making the identification together with any and all statements made pertinent to the identification or the offense.
 16. To disclose any and all information and material regarding any search and or seizure relating to this case; the time, date, location, and name of individual or place searched and material sought or seized; together with the names and addresses of persons present or who have information regarding the search or seizure and any statements they have made.
 17. The time, date and location of the defendant's arrest; together with the names and addresses of persons who were present and or arrested the defendant and any and all statements or reports made with respect to the arrest of the defendant.
 18. The Federal Bureau of Investigation's record of arrest and dispositions of all State witnesses; and the National Crime Information Center entries for arrests and dispositions of all State witnesses.

26 19. _____
27 _____

28 B. Defendant makes the following motions as indicated by a check mark:

- 29 _____ 1. To make more definite and certain and for a bill of
30 particulars.
31 _____ 2. To sever defendants and for a separate trial.

32 OMNIBUS APPLICATION OF DEFENDANT - 2

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- 3. To sever counts and for a separate trial.
- 4. To suppress any and all evidence obtained or derived from the illegal arrest of the defendant.
- 5. To suppress any and all evidence obtained or derived from the illegal search conducted in the case sub judice.
- 6. To suppress evidence of the identification of the defendant on the ground that the identification procedures employed were impermissibly suggestive and in violation of rights guaranteed to defendant under the Fourteenth Amendment of the United States Constitution and the Constitution of the State of Washington.
- 7. To suppress statements of the defendant because they were obtained in violation of rights guaranteed the defendant by the Fourth and Fifth Amendments of the United States Constitution and the Constitution of the State of Washington.
- 8. To take the deposition of a witness.
- 9. To secure the appearance of a material witness at trial/hearing.
- 10. To suppress prior convictions pursuant to ER 609 and other acts pursuant to ER 404.
- 11. _____
- 12. _____

C. The defendant may call as witnesses at the hearing or trial the following persons:

- 1. Those named in discovery
- 2. Those to be determined
- 3. _____

D. The general nature of the defendant's defense is:
 Alibi; Insanity at the time of the offense
 Other: general denial

E. A jury of 12 will be used.
 F. It is estimated that the trial will last 3-4 days.

DATED this 19th day of November, 1982

Respectfully submitted,



Attorney for Defendant



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

STATE OF WASHINGTON

Plaintiff,

No.

FILED 86-103802 3

vs.

05 NOV 20

AM 9:05 PM ORDER ON OMNIBUS HEARING

Charge: Ind. Libs.

Richard Kempton Cole

SUPERIOR COURT CLERK

SEATTLE, WA

Filed Date: 1/22/86

Expiration Date: 2/7/86

Defendant(s).

An omnibus hearing was held on 11/19, 1986.

Persons appearing at the hearing were:

- Defendant or waived presence and (has filed)(will file) a written waiver by _____, 19____.
- Defendant's Attorney Faris
- Deputy Prosecuting Attorney Pol / Wise
- Other: _____

IT IS ORDERED:

1. Regarding CUSTODIAL STATEMENTS by defendant _____:

- No custodial statements will be offered in the state's case in chief, or in rebuttal.
- The statements of defendant will be offered in state's case in rebuttal only.
- The statements referred to in the state's omnibus application will be offered and:
 - May be admitted into evidence without a pretrial hearing, by stipulation of the parties.
 - A pretrial hearing shall be held and is estimated to require 30 (minutes/hours).

Total number of witnesses: 2

2. Regarding SUPPRESSION OF PHYSICAL EVIDENCE:

- No motion to suppress physical evidence is involved.
- The motion to suppress physical evidence as outlined in defendant's omnibus application is to be set for hearing and will require _____ (mins./hrs).

Total number of witnesses: _____

3. Regarding SUPPRESSION OF IDENTIFICATION:

- No motion to suppress identification is involved.
- The motion to suppress identification as outlined in defendant's omnibus application is to be set for hearing and will require _____ (mins./hrs).



4. The EXHIBITS listed in state's omnibus application will be offered at trial and () are () are not stipulated to at this time, with the following exceptions, if any: _____

5. If the defendant testifies at trial, the prior record of convictions as outlined in state's omnibus application () will () will not be acknowledged by the defendant with the following exceptions, if any: _____

() No prior convictions are known at this time; state to advise by 1/8/86 of any (other) known prior convictions.

6. The RESPECTIVE ATTORNEYS are ordered to exchange:

- A. Names, addresses and known convictions of witnesses;
- B. Written statements or written summaries of anticipated testimony of witnesses, including expert reports and test results, if any; and
- C. Make available for inspection, all physical and demonstrative evidence.

by _____, 19____.

() State is ordered to provide police follow-up reports, if any,

by _____, 19____.

7. Defendant is ordered to state general nature of defense by general denial, 19____.

8. Rulings on additional motions are: _____

9. No additional motions are anticipated, except: _____

10. The hearing on MOTION(s): () 3.5; () suppress; () suppress identification;

() dismiss; () other _____

is set for Trial Court, 19____, at _____ (am)(pm) before

() criminal motions judge () trial judge () other _____.

The hearing will last approximately 30 (minutes/hours).

Moving party's brief is due 10 days before hg () other _____.

Responsive brief is due 3 days before hg () other _____.

11. The trial will be () jury () non-jury, lasting about 3-4 days.

12. The DEFENDANT and DEFENSE COUNSEL:

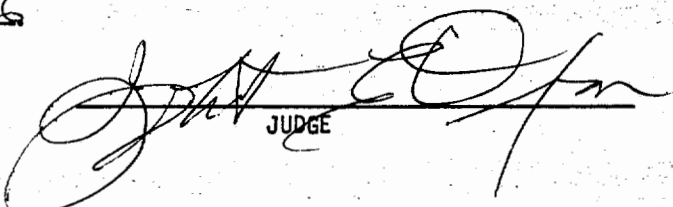
() admit or () deny or () have no information to contrary

that the EXPIRATION DATE shown on the first page of this order is correct computation of time under Criminal Rule 3.3, and is the last day of defendant must be brought to trial to comply with the provisions of said rule.


13. MOTION as to the admissibility of defendant's prior conviction(s) set forth in state's omnibus application is reserved for trial court. () yes () no

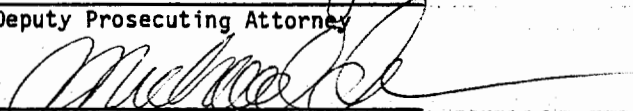
14. Other matters: _____

DATED: 11/14, 19 86


JUDGE

APPROVED:


Deputy Prosecuting Attorney


Attorney for Defendant

Attorney for Defendant

I approve of my attorney's actions as indicated by this order and I specifically agree with the computation of time under Criminal Rule 3.3 ("60-90" day trial rule).

Defendant

FILED

DEC 22 AM 10 52

KING COUNTY
SUPERIOR COURT

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,
Plaintiff,

v.

Richard W. Cole
Defendant.

NO. *80-1-03802-3*

NOTICE OF WITHDRAWAL AND
SUBSTITUTION OF ATTORNEY

TO: CLERK OF THE SUPERIOR COURT
TO: NORM MALENG, PROSECUTING ATTORNEY
YOU WILL PLEASE TAKE NOTICE that the undersigned as of
this date is withdrawing as attorney for the defendant in the
above-entitled action and that *Jackie McMorzine* is
substituted in his ~~her~~ place.

DATED this *19th* day of *December*, 1986.

Respectfully submitted,

Michael Farina/PTZ

Attorney for Defendant

Notice - 1
0826C GJ

POSTED 13

LAW OFFICE OF
THE PUBLIC DEFENDER
810 THIRD AVENUE
8TH FLOOR, CENTRAL BUILDING
SEATTLE WASHINGTON 98104
(206) 447-3900

In the Superior Court of the State of Washington
For the County of King

ISSUED

THE STATE OF WASHINGTON 7 JAN 20 PM 2:44

Plaintiff,

No. 86-1-03802-3

vs.

Richard Cole

SEATTLE, WA

Indecent Liberties

Defendant

SUBPOENA

TO:

Seth Dalby

Kenneth Dalby

Det. Daly

KCP, SAU

344-7557

YOU are hereby commanded to be and appear at the Superior Court of the State of Washington in and for King County on the 22nd day of January, 1987. You are required to appear in Room W554 King County Courthouse, 516 Third Avenue, Seattle, Washington, at 1:30 p.m. on the above date, where you will be directed to a courtroom of the Superior Court to give evidence in the above-entitled cause and to remain in attendance at said Court until discharged, and HEREIN FAIL NOT AT YOUR PERIL.

NOTICE: UPON RECEIPT OF THIS SUBPOENA IMMEDIATELY CALL 583-4496

and ask for MARY KOCH, the Paralegal for Kate Flack, the Deputy Prosecuting Attorney who will try this case. If the Paralegal is unavailable, leave your name and a telephone number where you can be reached.

FOR POLICE WITNESSES, THE POLICE CASE NUMBER IS:

86 193778

Witness on behalf of the plaintiff.

ROBERT W. WINSOR

Witness The Honorable

Judge of the said Superior Court and the Seal thereof
this day of JAN 20 1987

Clerk of King County, Washington

By Deputy Clerk

PRAECIPE FOR SUBPOENA

YOU WILL PLEASE ISSUE SUBPOENAS as set out above.

NORM MALENG
Prosecuting Attorney

By

Norm Maleng
Trial Deputy
14 SC

FILED

'87 FEB 9 PM 4:04



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

KING COUNTY
SUPERIOR COURT
SEATTLE, WA

STATE OF WASHINGTON

Plaintiff,

No. 86-1-03802-3

vs.

ORDER FOR FIVE(5) DAY EXTENSION
OF EXPIRATION DATE

Richard K Cole

Defendant.

THIS MATTER having been set for trial on (this date) (February 9 1987)
and because of unavoidable or unforeseen circumstances beyond the control of the
court or the parties and the court finding that:

- One or more of the attorneys for the parties herein are presently in trial on another matter and unavailable.
- An interpreter is required for the trial and one is not presently available.
- Other: _____

and further finding that the defendant(s) will not be substantially prejudiced in his or her defense,

IT IS HEREBY ORDERED that the expiration date in this cause shall be extended for five(5) days to February 17, 1987.

DATED: February 9, 1987.

[Signature]
JUDGE

15

FILED
KING COUNTY, WASHINGTON

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY FEB 10 1987

SUPERIOR COURT CLERK
CAROL S. MILLER
DEPUTY

STATE OF WASHINGTON,)

Plaintiff,)

vs.)

RICHARD K. COLE,)

Defendant.)

NO. 8610380'23

WAIVER OF JURY TRIAL
BY DEFENDANT

I understand that I have the right to trial by jury in this case.
I desire to waive that right and to have the case tried by the judge
without a jury.

Richard K. Cole
Defendant

Jessie M. Wurtz
Attorney for Defendant

Approved:

Donald D. Haley
Judge

SCOMIS code:

NJTRIAL PREHRG TTIME 1.5
 JTRIAL \$JFA person

Department No. 17

Date: FEB 10 1987

Page 1 of 2

JUDGE: Donald D. Haley

BAILIFF: DENISE WILLIAMS

COURT CLERK: CAROL S. MILLER

REPORTER: CHERYL ANDERSON

King County Cause No. 86 1 03802 3

Case Caption

STATE OF WASHINGTON

VS

RICHARD KEMPTON COLE

Litigants and attorneys

DPA, KATHERINE M. FLACK, PRESENT FOR STATE

DEF. PRESENT WITH COUNSEL, JACQUELINE McMURTRIE

Minute Entry

.75

DEF. WAIVES JURY TRIAL

TRIAL AND 3.5 HEARING

16.4
R

K.C. Cause No. 86-1-03802-3

Date : FEB 10 1987

Page 2 of 2

Caption: SMITH vs COLE

Reporter: DEPT. 17

Minute Entry

WITNESS SWORN AND EXAMINED FOR STATE:
OFFICER LAWRENCE DALY

STATE'S EXHIBITS 1-3 ADMITTED

THE COURT ADVISES DEF. OF HIS RIGHT TO
TESTIFY AT 3.5 HEARING.

THE COURT FINDS STATEMENTS OF DEF.
ADMISSIBLE AT TRIAL.

DEF'S MOTION TO DISMISS. DENIED.

CONTINUED TO FEBRUARY 11, 1987, AT 9:30 a.m.

SCOMIS code:

 NJTRIAL MINUTE
 JTRIAL SJFA person

Department No. 17

Date: FEB 11 1987

Page 1 of 2

JUDGE: Donald D. Haley

BAILIFF: DENISE WILLIAMS

COURT CLERK: CAROL S. MILLER

REPORTER: CHERYL ANDERSON

King County Cause No. 86-1-03802-3

Case Caption: STATE OF WASHINGTON

 VS

 RICHARD KEMPTON COLE

Continued from FEBRUARY 11, 1987

 Minute Entry

 .75 DEF. AND RESPECTIVE COUNSEL PRESENT.

DEF. OBJECTS TO HAVING CAMERAS IN THE COURTROOM. THE COURT ORDERS THAT CAMERAS MAY BE IN THE COURTROOM BUT THAT FILMING WILL NOT BE ALLOWED OF DEF. OR ANY WITNESSES WHO MAY OBJECT.

STATE'S MOTION TO QUASH BENCH WARRANT ON KENNETH DALBY. GRANTED.

DEF. DENIES MOTION TO DISMISS. DENIED.

BY STIPULATION OF DEF AND RESPECTIVE COUNSEL, THIS CAUSE IS SUBMITTED TO THE COURT ON THE BASIS OF THE INFORMATION CONTAINED IN THE POLICE REPORT.

 STATE'S EXHIBIT #1 ADMITTED

RESPECTIVE COUNSEL HAVE BEEN ADVISED.

K.C. Cause No. 86-1-03802-8

Date : FEB 11 1987

Page 2 of 2

Caption: STATE VS COLE

 : DEPT. 17

Minute Entry

THE COURT FINDS DEF. GUILTY.

SENTENCING DATE TO BE SET.

275-111 20

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 v.)
)
 Richard K. Cole)
)
 Defendant.)

NO. 86-1-03802-3

MOTION AND AFFIDAVIT FOR ORDER TO APPREHEND AND DETAIN MATERIAL WITNESS

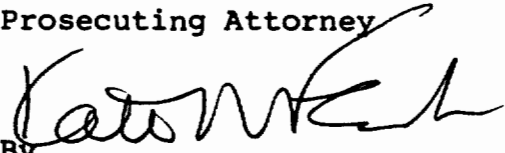
MOTION

COMES NOW Norm Maleng, Prosecuting Attorney for King County, by his undersigned deputy, and moves this Court for an Order to Apprehend and Detain Material Witness:

Seth Dalby

Following apprehension, this Court is asked to determine whether the testimony of the witness is material, whether a deposition should be taken, and to determine bail.

This motion is based upon the case record to date and the attached affidavit.

NORM MALENG
Prosecuting Attorney

By
Deputy Prosecuting Attorney

AFFIDAVIT

STATE OF WASHINGTON)
) : ss.
 COUNTY OF KING)

The undersigned Deputy Prosecuting Attorney, on oath, states:

16.5
R

1 Seth Dalby, Jr., is the State's complaining
2 witness in this cause. On Feb. 2, 1987, he
3 met with your affiant and discussed his
4 reluctance to testify. At that time, he was
5 accompanied by his father, Ken Dalby.
6 Mr. Ken Dalby, refused to allow his son to testify
7 at trial on behalf of the State of Washington.
8 Seth Dalby was told that alternatives to his full & detailed
9 testimony may be available. He was to return
10 to speak with your affiant on Monday, Feb. 9, 1987.
11 Your affiant was ill on 2-9-87. On 2-10-87, the case
12 was assigned to this court. Your affiant ~~was~~ contacted
13 Mr. Ken Dalby, who told your affiant he would personally
14 appear with his son, Seth, in your affiant's office
15 during the noon recess. ~~At~~ Mr. Dalby knew of the case
16 ~~and~~ being assigned out for trial and knew
17 that your affiant had alternative methods for
18 the presentation of Seth Dalby's testimony.

19 ~~The~~
20 Both Seth & Ken Dalby are necessary State's wit-
21 nesses, without whom the State cannot proceed.

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SUBSCRIBED and SWORN to before me this
10~~th~~ day of Feb., 1987:

Ella M. Bass

NOTARY PUBLIC in and for the state
of Washington, residing at Seattle.

87 FEB 11 10 20

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 v.)
)
 Richard K Cole)
)
 Defendant.)

NO. 86-1-03802-3

MOTION AND AFFIDAVIT FOR ORDER
TO APPREHEND AND DETAIN MATERIAL
WITNESS

MOTION

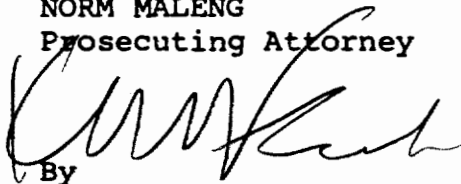
COMES NOW Norm Maleng, Prosecuting Attorney for King
County, by his undersigned deputy, and moves this Court for an
Order to Apprehend and Detain Material Witness:

Ken Dalby

Following apprehension, this Court is asked to determine
whether the testimony of the witness is material, whether a
deposition should be taken, and to determine bail.

This motion is based upon the case record to date and the
attached affidavit.

NORM MALENG
Prosecuting Attorney



By
Deputy Prosecuting Attorney

AFFIDAVIT

STATE OF WASHINGTON)
) : ss.
COUNTY OF KING)

The undersigned Deputy Prosecuting Attorney, on oath,
states:

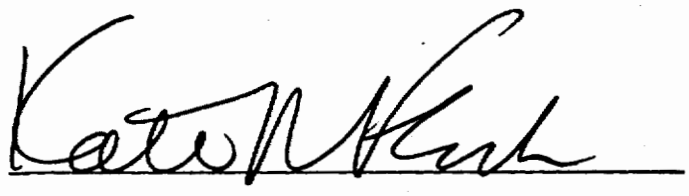
Motion and Affidavit for Order to
Apprehend and Detain Material Witness - 1

NORM MALENG
Prosecuting Attorney,
W554 King County Courthouse
Seattle, Washington 98101
583 2200

16.6
R

1 Seth Dalby, Jr., is the State's complaining
2 witness in this cause. On Feb. 2, 1987, he
3 met with your affiant and discussed his
4 reluctance to testify. At that time, he was
5 accompanied by his father, Ken Dalby.
6 Mr. Ken Dalby, refused to allow his son to testify
7 at trial on behalf of the State of Washington.
8 Seth Dalby was told that alternatives to his full & detailed
9 testimony may be available. He was to return
10 to speak with your affiant on Monday, Feb. 9, 1987.
11 Your affiant was ill on 2-9-87. On 2-10-87, the case
12 was assigned to this court. Your affiant ~~was~~ contacted
13 Mr. Ken Dalby, who told your affiant he would personally
14 appear with his son, Seth, in your affiant's office
15 during the noon recess. ~~He~~ Mr. Dalby knew of the case
16 ~~and~~ being assigned out for trial and knew
17 that your affiant had alternative methods for
18 the presentation of Seth Dalby's testimony.

19 ~~The~~
20 Both Seth & Ken Dalby are necessary State's wit-
21 nesses, without whom the State cannot proceed.

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SUBSCRIBED and SWORN to before me this
10th day of Feb., 1987:

Ella M. Boss
NOTARY PUBLIC in and for the state
of Washington, residing at Seattle.



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

STATE OF WASHINGTON

37 FEB 11
Plaintiff,

20
No. 86-1-03802-3

vs.

Richard Kempton Cole
Defendant.

ORDER ON CRIMINAL MOTION

The above-entitled Court, having heard a motion
to quash the material witness
warrant for Mr. Ken Dalby

IT IS HEREBY ORDERED that ~~the~~ material witness
warrant issued for Kenneth Dalby
is quashed.

DATED: February 11, 1987.

[Signature]
Deputy Prosecuting Attorney

[Signature]
JUDGE

Attorney for Defendant

11/11
POSTED

CERTIFIED COPY TO WARRANTS

2

87 FEB 11

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,
Plaintiff,
v.
Richard K. Cole
Defendant.

NO. 86-1-03802-3

ORDER TO APPREHEND AND DETAIN
MATERIAL WITNESS

THIS COURT has considered the motion and affidavit for an
Order to Apprehend and Detain Material Witness.

IT IS ORDERED:

1. Pursuant to CrR 6.12 any law enforcement officer
shall apprehend and detain:

Ken Dalby

2. Upon apprehension, the material witness shall be held
in the County Jail, and be brought before this Court as soon as
possible for determinations of testimony materiality, any
deposition thereof, and bail.

DONE IN OPEN COURT this 10th day of February, 1987.

Donald D. Hale
J U D G E

Presented by:

[Signature]
Deputy Prosecuting Attorney

1618

Order to Apprehend and Detain
Material Witness

POSTED
NORM MALING
Prosecuting Attorney
W554 King County Courthouse
Seattle, Washington 98104
583.2200

CERTIFIED COPY TO WARRANTS
FEB 12 1987

FEB 12 1987

CERTIFIED COPY TO COUNTY JAIL

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In the Superior Court of the State of Washington
For the County of King

77-12-12 12

THE STATE OF WASHINGTON

Plaintiff,

No. 86-1-03802-3

vs.

Richard Cole

Indecent Liberties

Defendant

SUBPOENA

TO:

Seth Dalby

Kenneth Dalby

Det. Daly

KCP, SAU

344-7557

YOU are hereby commanded to be and appear at the Superior Court of the State of Washington in and for King County on the 22nd day of January, 1987. You are required to appear in Room W554 King County Courthouse, 516 Third Avenue, Seattle, Washington, at 1:30 p.m. on the above date, where you will be directed to a courtroom of the Superior Court to give evidence in the above-entitled cause and to remain in attendance at said Court until discharged, and HEREIN FAIL NOT AT YOUR PERIL.

NOTICE: UPON RECEIPT OF THIS SUBPOENA IMMEDIATELY CALL 583-4496

and ask for MARY KOCH, the Paralegal for Kate Flack, the Deputy Prosecuting Attorney who will try this case. If the Paralegal is unavailable, leave your name and a telephone number where you can be reached.

FOR POLICE WITNESSES, THE POLICE CASE NUMBER IS: 86 193778

Witness on behalf of the plaintiff.

ROBERT W. WINSOR

Witness The Honorable

Judge of the said Superior Court and the Seal thereof, this 22 day of JAN 20 1987

Clerk of King County, Washington

By [Signature] Deputy Clerk

SUBPOENA RETURN

I HEREBY CERTIFY that I personally served the above supoena on each person whose name is encircled hereon by (giving him/her a true copy hereof) (leaving a true copy hereof at the place of his/her abode with [Signature] in King County, Washington, on the 22 day of JAN 1987

SHERIFF'S FEES: 11.00
Service.....\$ 6.00
17.00

VERN THOMAS, Director
Department of Public Safety

[Signature]

17.00+
17.00+
11.00+

45.00 *

In the Superior Court of the State of Washington
For the County of King

THE STATE OF WASHINGTON

Plaintiff,

No. 86-1-03802-3

vs.

Richard Cole

Indecent Liberties

Defendant

SUBPOENA

TO:

Seth Dalby

Kenneth Dalby

Det. Daly

KCP, SAU

344-7557

YOU are hereby commanded to be and appear at the Superior Court of the State of Washington in and for King County on the 22nd day of January, 1987. You are required to appear in Room W554 King County Courthouse, 516 Third Avenue, Seattle, Washington, at 1:30 p.m. on the above date, where you will be directed to a courtroom of the Superior Court to give evidence in the above-entitled cause and to remain in attendance at said Court until discharged, and HEREIN FAIL NOT AT YOUR PERIL.

NOTICE: UPON RECEIPT OF THIS SUBPOENA IMMEDIATELY CALL 583-4496

and ask for MARY KOCH, the Paralegal for Kate Flack, the Deputy Prosecuting Attorney who will try this case. If the Paralegal is unavailable, leave your name and a telephone number where you can be reached.

FOR POLICE WITNESSES, THE POLICE CASE NUMBER IS:

86 193778

Witness on behalf of the plaintiff.

Witness The Honorable

ROBERT W. WINSOR

Judge of the said Superior Court and the Seal thereof
this day of JAN 20 1987

Clerk of King County, Washington

By [Signature] Deputy Clerk

SUBPOENA RETURN

I HEREBY CERTIFY that I personally served the above supoena on each person whose name is encircled hereon by (giving him/her a true copy hereof) (leaving a true copy hereof at the place of his/her abode with [Signature] [Signature] DATE in King County, Washington, on the 22 day of JAN, 1987

SHERIFF'S FEES Service.....\$

1100
600
1700

VERN THOMAS, Director
Department of Public Safety

[Signature]

In the Superior Court of the State of Washington
For the County of King

THE STATE OF WASHINGTON

Plaintiff,

No. 86-1-03802-3

vs.

Richard Cole

Indecent Liberties

.....

....., Defendant

SUBPOENA

TO:

Seth Dalby

Kenneth Dalby

Det. Daly

KCP, SAU

344-7557

YOU are hereby commanded to be and appear at the Superior Court of the State of Washington in and for King County on the 22nd day of January, 1987. You are required to appear in Room W554 King County Courthouse, 516 Third Avenue, Seattle, Washington, at 1:30 PM p.m. on the above date, where you will be directed to a courtroom of the Superior Court to give evidence in the above-entitled cause and to remain in attendance at said Court until discharged, and **HEREIN FAIL NOT AT YOUR PERIL.**

NOTICE: UPON RECEIPT OF THIS SUBPOENA IMMEDIATELY CALL 583-4496

and ask for MARY KOCH, the Paralegal for Kate Flack, the Deputy Prosecuting Attorney who will try this case. If the Paralegal is unavailable, leave your name and a telephone number where you can be reached.

FOR POLICE WITNESSES, THE POLICE CASE NUMBER IS: 86 193778

Witness on behalf of the plaintiff.

ROBERT W. WINSOR

Witness The Honorable.....

Judge of the said Superior Court and the Seal thereof, this day of JAN 20 1987

Clerk of King County, Washington
By [Signature] Deputy Clerk

SUBPOENA RETURN

I HEREBY CERTIFY that I personally served the above supoena on each person whose name is encircled hereon by (giving him/her a true copy hereof) (leaving a true copy hereof at the place of his/her abode with KCP) in King County, Washington, on the 21 day of Jan, 1987

SHERIFF'S FEES:
Service.....\$ 400

VERN THOMAS, Director
Department of Public Safety [Signature]



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

59

FILED 17 4 3

STATE OF WASHINGTON

Plaintiff,

vs.

No. 86-1-03802-3

RICHARD KEMPTON COLE

Defendant.

ORDER FOR PRESENTENCE
INVESTIGATION REPORT

THIS MATTER coming on regularly before the above-entitled Court, and it appearing that the above-named defendant has been duly charged by information herein with the crime of INDECENT LIBERTIES UPON STIPULATED FACTS, to which charge he/she ~~has been found guilty by trial~~ (was found guilty by trial), and it further appearing that the ends of justice will best be served if a presentence report is prepared and presented to the Court prior to imposition of sentence upon the defendant, and the Court being in all things duly advised; NOW THEREFORE,

IT IS HEREBY ORDERED that, pursuant to CrR 7.1(a), the Department of Corrections prepare and present to the Court a presentence investigation report on the defendant.

IT IS FURTHER ORDERED that the defendant report to the Department of Corrections Regional Office (Office of Probation and Parole), 1601 2nd Avenue Building, 10th Floor, (Northwest corner of 2nd and Pine Street), Seattle, Washington (Telephone 464-7966) on: FEBRUARY 18, 1987 at 10AM, with the information sheet provided herewith. (If the defendant is in custody, an officer of the Department of Corrections will contact the defendant in the King County Jail.)

IT IS FURTHER ORDERED that the date for judgment and sentence is hereby set for the:

APRIL 29, 1987 at 8:45AM

IT IS FURTHER ORDERED that all juvenile investigative and arrest records, and all mental health records pertaining to the defendant be made available to the presentence investigator. Such information shall be held confidential except for the purposes of said Presentence Investigation Report prepared and presented to the Court.

DATED: 2-11-87, 19

Donald D. Haley W279
JUDGE DONALD HALEY Courtroom Number

JACKIE MCMURTRIE 447-3900
Defense Counsel/Telephone Number

8425 NE 21st Pl, Bellevue, 98004

Defendant's Address

07-08-48 455-2261

Defendant's DOB/Telephone Number

DISTRIBUTION:

- 1. Original — File
- 2. Green — Pros. Atty.
- 3. Canary — Defendant
- 4. Pink — Dpt. Probation
- 5. Gold — Judge
- 6. White — Defense Counsel

DO NOT MISS YOUR APPOINTMENT OR A BENCH WARRANT WILL BE ISSUED FOR YOUR ARREST.

POSTED 18

19
CERTIFIED COPY TO WARRANTS FEB 12 1987
CERTIFIED COPY TO COUNTY JAIL FEB 12 1987

FILED
FEB 23 10:42
87 FEB 14
SUPERIOR COURT
FOR KING COUNTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,
Plaintiff,
v.
Richard K. Cole
Defendant.

NO. 86-1-03802-3

ORDER TO APPREHEND AND DETAIN
MATERIAL WITNESS

THIS COURT has considered the motion and affidavit for an
Order to Apprehend and Detain Material Witness.

IT IS ORDERED:

1. Pursuant to CrR 6.12 any law enforcement officer
shall apprehend and detain:

Ken Dalby

2. Upon apprehension, the material witness shall be held
in the County Jail, and be brought before this Court as soon as
possible for determinations of testimony materiality, any
deposition thereof, and bail.

DONE IN OPEN COURT this 10th day of February, 1987.

Ronald D. Hale
J U D G E

Presented by:
[Signature]
Deputy Prosecuting Attorney

Return to Court Without Service
Request of [Signature]
Sheriff - Director
By [Signature]

Order to Apprehend and Detain
Material Witness

NORM MALENG
Prosecuting Attorney
W554 King County Courthouse
Seattle, Washington 98104
583 2200

19
8H



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

CERTIFIED
COPY

STATE OF WASHINGTON

87 FEB 1
Plaintiff;

20
No. 86-1-03802-3

vs.

Richard Kempton Cole
07-08-48 Defendant.

ORDER ON CRIMINAL MOTION

CUN#1262213

The above-entitled Court, having heard a motion

*to quash the material witness
warrant for Mr. Ken Dalby*

*QUASH -
WARRANT ATTACHED
COMI*

IT IS HEREBY ORDERED that ~~the~~ material witness
warrant issued for Kenneth Dalby
is quashed.

DATED: February 11, 1987.

[Signature]
Deputy Prosecuting Attorney

[Signature]
JUDGE

Attorney for Defendant

FEB 12 1987
CERTIFIED COPY TO WARRANTS

NON-TRIAL

SCOMIS code:

PREHRG DISPHRG HEARING
 POSTHRG MINUTE

Department No. 17
Date: MAY 14 1987
Page 1 of 1

JUDGE: Donald D. Haley
BAILIFF: GARY BOE
COURT CLERK: CAROL S. MILLER
REPORTER: GINI ALEXANDER

King County Cause No. 86-1-03802-3

Case Caption

STATE OF WASHINGTON VS RICHARD K. COLE

Litigants and attorneys

DPA, KATHERINE FLACK, PRESENT FOR STATE.
DEF. PRESENT WITH COUNSEL, JACQUELINE McMURTRIE.

Minute Entry

SENTENCING

CONTINUED TO JULY 2, 1987, AT 8:45 a.m.
SO DEF. MAY BE EVALUATED BY A COURT
APPOINTED EXPERT.

20
R

38

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

1 STATE OF WASHINGTON,)
 2)
 3 Plaintiff,)
 4 v.)
 5 Richard Kempton Cole)
 6 Defendant.)

NO. 1-63908-3
 ORDER Appointing a Court
Expert

7 THIS MATTER having come on regularly before the
 8 undersigned judge of the above-entitled court upon the motion of
 9 the ~~State of Washington~~ ^{COURT} plaintiff, for an order _____

10 appointing an expert for purposes of
 11 evaluating the defendant's amenability
 12 for out-patient treatment under SOSA

13 in the above-entitled cause, and the court being fully advised in
 14 the premises; now, therefore,

15 IT IS HEREBY ORDERED, ADJUDGED and DECREED that _____

16 Mr. D. Arriblatt is appointed by this Court to
 17 evaluate the defendant. A report shall be
 18 submitted to the parties on or about
 19 July 20, 1987. Mr. Arriblatt's fee of between
 20 \$600.00 - 900.00 will be paid by the Court.

21 Mr. Arriblatt shall present all data and reports
 22 to the parties on or before June 1, 1987; the defendant
 23 shall sign any necessary releases. Postponing is
 24 set for July 28, 1987 at 10:45 am.

25 DONE IN OPEN COURT this 19th day of May, 1987.

26 Donald D. Haley
 JUDGE

Presented by:
[Signature]
 Deputy Prosecuting Attorney

Approved for entry:
[Signature]
 Attorney for Defendant

ORDER

21
 R
 POST
 NORM MALENG
 Prosecuting Attorney
 W554 King County Courthouse
 Seattle Washington 98104
 583 2200

CERTIFIED COPY TO WARRANTS JUL 29 1987
CERTIFIED COPY TO COUNTY JAIL JUL 29 1987

SUPERIOR COURT OF WASHINGTON FEDERAL KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

Richard Kempton Cole
Defendant.

NO. 85-1-C3802-3

CONDITIONS OF RELEASE
PENDING APPEAL

JUL 28 PM 3:18

Pursuant to CrR 3.2(f) and RAP 7.2(f), it is hereby ordered that pending appeal the defendant shall be released on the following conditions:

On condition of probation supervised by a Community Corrections Officer and subject to the rules promulgated by the Department of Corrections for other persons under community supervision;

On execution of a surety bond or posting of cash in the amount of \$ 25,000.00;

To the custody of _____;

On personal recognizance;

Other conditions: _____

Defendant shall not leave the state of Washington without prior permission of the court or the community corrections officer. Failure to remain in the state may be grounds for dismissal of the appeal. Defendant shall provide the court with a current address and notify the court of any changes.

A warrant may be issued if any of these conditions of release are violated.

DATED this 28th day of July, 1987

Donald D. Hall
JUDGE

Presented by:
W. M. Cook
Deputy Prosecuting Attorney

Approved for entry:
Richard Kempton Cole
Attorney for Defendant

Richard Kempton Cole
Defendant



NORM MALENG
Prosecuting Attorney
W554 King County Courthouse
Seattle, Washington 98104
583 2200

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FILED
27 JUL 28 PM 3:18

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, SEATTLE, WA.

Plaintiff,

NO. 86-1-03802-3

v.

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

RICHARD KEMPTON COLE,

Defendant.

UNDISPUTED FACTS

I.

The defendant, Richard K. Cole, was thirty-eight years old (38), during July, 1986.

II.

That the victim, Seth Dalby was fourteen years old (14) during July, 1986.

III.

That during the evening of July 21, and early morning hours of July 22, 1986, both the defendant and the victim were at the defendant's residence. That the defendant's residence is located in King County at 14936 - 21st Avenue S.W., Seattle, Washington.

Findings Of Fact And Conclusions
Of Law - 1
87-6-44/dma #c/f30



NORM MALENG
Prosecuting Attorney
W554 King County Courthouse
Seattle, Washington 98104
583 2200

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IV.

That the defendant and victim retired for the evening at approximately midnight on July 21, 1986. That before falling to sleep the defendant offered to massage the victim. The victim assented to having his neck massaged. That the victim had remained clothed in shorts and sweatshirt.

V.

That the defendant, during the massage moved his hands up the victim's shorts to the victim's groin area. That the victim attempted to stop the massage. That the defendant then began touching the victim's penis, though the victim again attempted to move away from the defendant.

VI.

That at the time the defendant was touching the victim's penis, the defendant was clothed only in a bathrobe, and had an erection. That the victim could feel the defendant's erect penis pressing against his body.

VII.

That the defendant attempted to place the victim's hand onto the defendant's erect penis.

VIII.

1
2 That the victim protested at which time the defendant
3 left the bedroom, went to the living room, said, "I've done it
4 again," and began to cry.

5 IX.

6 That the victim's statement, held in State's Exhibit 1,
7 which describes the events is more credible than the version given
8 by the defendant.

9
10 DISPUTED FACTS

11 I.

12 Whether, at the time the touching of the victim's
13 genitals occurred, the defendant was in a position of authority
14 over the victim.

15 CONCLUSIONS AS TO DISPUTED FACTS

16 I.

17 The defendant had been a teacher of the victim during two
18 school years; the most recent school year having ended in May,
19 1986.

20 II.

21 That the defendant, having been a close family friend of
22 the Dalby family had been given supervision responsibilities of
23 the victim by the victim's parents on several occasions. That
24 during the time intervening between July 21 and July 22, 1986, the
25

26

Findings Of Fact And Conclusions
Of Law - 3
87-6-44/dma #c/f30

NORM MALENG
Prosecuting Attorney
W554 King County Courthouse
Seattle Washington 98104
583 2200

1 defendant had been given the responsibility for the victim's
2 supervision and the duty of caring for the victim's well-being.

3
4 III.

5 That the defendant, in his statement to Detective Larry
6 Daly, dated September 22, 1986, admitted that he was acting as a
7 friend and surrogate parent.

8 CONCLUSIONS OF LAW

9 That the Court has proper jurisdiction over the subject
10 matter of the offenses and the person of the defendant.

11 II.

12 That the defendant is guilty of the crime of Indecent
13 Liberties, as enumerated in RCW 9A.44.100(c) and as charged in
14 Count I of the Information.

15 III.

16 That the defendant has sexual contact with the victim,
17 for purposes of his own sexual gratification.

18 IV.

19 That defendant was more than 48 months senior to the
20 victim who was less than sixteen years of age.

21 V.

22 That defendant was a person in a position of authority
23 over the victim.

24 Findings Of Fact And Conclusions

25 87-6-47dma #c/f30
26

NORM MALENG
Prosecuting Attorney
W554 King County Courthouse
Seattle, Washington 98104
583 2200

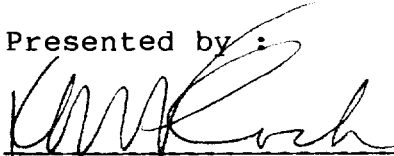
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VI.


That the sexual contact occurred in King County, Washington, during the late evening of July 21, 1986, or the early morning hours of July 22, 1986.

DONE IN OPEN COURT this 28th day of July, 1987.


DONALD HALEY, Judge

Presented by :

KATE M. FLACK
Deputy Prosecuting Attorney
Attorney for Plaintiff

Copy received; Notice
of Presentation waived:


JACKIE McMURTRIE
Attorney for Defendant

Findings Of Fact And Conclusions
Of Law - 5
87-6-44/dma #c/f30

NORM MALENG
Prosecuting Attorney
W554 King County Courthouse
Seattle, Washington 98104
583 2200

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

NO. *97-1-10000-3*

v.

RECORD OF ADVICE OF
RIGHT TO APPEAL

Richard K. Cole

'87 JUL 28 PM *3:18*

Defendant.

~~SUPERIOR COURT~~ CLERK
SEATTLE, WA

I. ADVICE

Judgment and sentence having been entered against you, pursuant to the requirements of CrR7.2(b), you are now advised that:

1. You have the right to appeal:
 - a determination of guilt after a trial.
 - a sentencing determination outside the standard range.
2. Unless a notice of appeal is filed with the clerk of the court within thirty (30) days from the entry of judgment or the order appealed from, you have irrevocably waived your right of appeal.
3. If you have no lawyer to file a notice of appeal for you, the clerk of the court will, if requested by you, file a notice of appeal on your behalf.
4. If you cannot afford the cost of an appeal, you have the right to have a lawyer appointed to represent you on appeal and to have such parts of the trial record as are necessary for review of errors assigned transcribed for you, both at public expense.

Date: JUL 28 1987

Donald D. Haley

Judge

II. RECEIPT OF ADVICE

1. The foregoing advice of my right to appeal was read to me in open court; and
2. I understand these rights; and
3. I acknowledge receipt of a true copy of the above rights as read to me.

Date: 7/28/87

[Signature]

Defendant

cc: Defendant
Defendant's Lawyer
Prosecuting Attorney

[Signature]

Defendant's Attorney



20 PM 3:18
SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

PLAINTIFF,

V.

RICHARD K COLE,

DEFENDANT.

CAUSE NO. 861038023

PRESENTENCE STATEMENT OF
KING COUNTY PROSECUTING ATTORNEY
(SENTENCE REFORM ACT)

CCN: 1262213 REFERRAL: 86092311 DOB: 07/08/48 RACE: W SEX: M ST ID: WA134434

CNT	CHARGES	DISPOSITION	DISP DATE	SPECIAL VERDICT
1	INDECENT LIBERTIES	GUILTY NON JURY	02/11/87	

COMMENTS:

TRIAL:

START DATE: 02/10/87 END DATE: 02/11/87
DISPOSITION: NONJURYTRL

VERDICT:

SENTENCING JUDGE: DONALD D HALEY

DEFENSE ATTORNEY: MICHAEL IARIA

ATTACHMENTS: THE FOLLOWING ATTACHMENTS ARE INCORPORATED BY REFERENCE INTO THE PROSECUTOR'S STATEMENT:

- () PLEA AGREEMENT
- () PROSECUTOR'S STATEMENT OF DEFENDANT'S CRIMINAL HISTORY (APPENDIX A-1)
- () RAP SHEETS
- () SENTENCING REFORM ACT SCORE SHEET (APPENDIX A-2)
- () SENTENCING MEMORANDUM REAL FACTS/RESTITUTION (APPENDIX B)
- () STATE'S SENTENCING RECOMMENDATION
- () FACTS OF CRIME: () CERTIFICATION FOR DETERMINATION OF PROBABLE CAUS
- () INFORMATION () SENTENCING MEMORANDUM ON FACTS

NORM MALENG, KING COUNTY PROSECUTING ATTORNEY

BY:
DEPUTY PROSECUTING ATTORNEY

JUL 29 1987

JUL 29 1987

COPY TO SENT...

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)
)
 Plaintiff,) NO. 86-1-03802-3
)
 v.) INFORMATION
)
 RICHARD KEMPTON COLE,)
)
 Defendant.)

I, Norm Maleng, Prosecuting Attorney for King County in the name and by the authority of the state of Washington, do accuse Richard Kempton Cole of the crime of indecent liberties, committed as follows:

That the defendant Richard Kempton Cole, in King County, Washington, during a period of time intervening between July 21, 1986 and July 22, 1986, did knowingly cause Seth R. Dalby, who was less than 16 years of age to have sexual contact with the defendant at a time when the defendant was more than forty-eight months older than Seth R. Dalby and was in a position of authority over Seith R. Dalby;

Contrary to RCW 9A.44.100, and against the peace and dignity of the state of Washington.

NORM MALENG
Prosecuting Attorney

By
KATHERINE M. FLACK
Deputy Prosecuting Attorney

Information

NORM MALENG
Prosecuting Attorney
W554 King County Courthouse
Seattle, Washington 98104
583-2200

1
2 CAUSE NO. 86-1-03802-3

3 CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

4 That Katharine M. Flack is a Deputy Prosecuting Attorney
5 for King County and is familiar with the police report and investi-
6 gation conducted in King County Department of Public Safety case
7 No. 86-193778;

8 That this case contains the following upon which this
9 motion for the determination of probable cause is made;

10 Seth R. Dalby, date of birth July 30, 1971, was a
11 student, during the 1985-1986 school years of the defendant.

12 During the months May through July 1986, the young man
13 would spend Monday evenings at the defendant's King County resi-
14 dence. On July 21, 1986, the defendant made arrangements to have
15 the boy spend the night. At approximately 11:00 p.m. the young
16 man went to sleep in the only available bed in the defendant's
17 home clothed in a sweatshirt and shorts. The defendant came in to
18 the bed wearing only a bathrobe and began to give the victim a
19 body massage. The victim agreed to a neck massage.

20 The defendant massaged the victim's whole body, over the
21 victim's verbal protests. During this portion of the attenuated
22 full body massage the defendant sat on the victim. At this time,
23 the victim could feel the defendant's bare erect penis on his
24 skin.

25 The defendant pulled down the young man's underwear and
26 began to masturbate the young boy. Three times the victim edged
away and attempted to stop the defendant. Three times the defen-
dant pursued the boy. Finally, the defendant left the bed.

Early the next morning, the young man left. The defen-
dant found him walking home. The defendant talked with the boy
during which he apologized. The boy immediately reported to his
father.

State requests \$15,000, cash or surety. The defendant
has recently made arrangements to move to Maryland. The State has
information that the defendant is close to completing the sale of
his house. He is ready to move except for that detail.

23 Under penalty of perjury under the laws of the State of
24 Washington, I certify that the foregoing is true and correct.
25 Signed and dated by me this ____ day of September, 1986, at
26 Seattle, Washington.

KATHERINE M. FLACK

Certification for Determination
of Probable Cause

NORM MALENG
Prosecuting Attorney
W554 King County Courthouse
Seattle Washington 98104
583 2200

PLEA AGREEMENT / TRIAL
(SENTENCING REFORM ACT)

Defendant: R. Cole

Date: 2/17

Cause No: 86-1-03802-2

On Plea To: As Charged - Guilty

Special Finding/Verdict deadly weapon on Count(s) _____

RCW 9.94A.125

The State of Washington and the defendant enter into this PLEA AGREEMENT which is accepted only by a guilty plea. This agreement may be withdrawn at any time prior to entry of the guilty plea. The PLEA AGREEMENT is indicated above and as follows:

1. DISMISS: Upon disposition of Count(s) _____, the State moves to dismiss Count(s): _____

2. REAL FACTS OF HIGHER/MORE SERIOUS AND/OR ADDITIONAL CRIMES: In accordance with RCW 9.94A.370, the parties have stipulated that the court, in sentencing, may consider as real and material facts information as follows:

as set forth in the certification(s) of probable cause filed herein.

as set forth in the attached Appendix C.

3. RESTITUTION: Pursuant to RCW 9.94A.140(2), the defendant agrees to pay restitution as follows:

in full to victim(s) on charged counts.

as set forth in attached Appendix C.

4. OTHER: _____

5. SENTENCE RECOMMENDATION:

a. The defendant agrees to the foregoing Plea Agreement and that the attached sentencing guidelines scoring form(s) (Appendix A) and the attached Prosecutor's Understanding of Defendant's Criminal History (Appendix B) are accurate and complete and that the defendant was represented by counsel or waived counsel at the time of prior conviction(s). The State makes the sentencing recommendation set forth in the State's sentence recommendation.

b. The defendant disputes the Prosecutor's Statement of the Defendant's Criminal History, and the State makes no agreement with regards to a sentencing recommendation and may make a sentencing recommendation for the full penalty allowed by law.

Maximum on Count _____ is not more than 10 years and/or \$ 20,000 fine.

Maximum on Count _____ is not more than _____ years and/or \$ _____ fine.

Mandatory Minimum Term (RCW 9.94A.120(4) only): _____

Mandatory license revocation RCW 46.20.285

Ten years jurisdiction and supervision for monetary payments. RCW 9.94A.120(9).

The State's recommendation will increase in severity if additional criminal convictions are found or if the defendant commits any new crimes, fails to appear for sentencing or violates the conditions of his release.

Defendant

Deputy Prosecuting Attorney

Attorney for Defendant

Judge, King County Superior Court

King County Prosecuting Attorney

SENTENCING GUIDELINES SCORING FORM Nonviolent Offenses

Use this form only for the following offenses: Assault 3; Attempting to Elude Pursuing Police Vehicle; Bribe Received by Witness; Bribery; Bribing a Witness; Communicating with a Minor for Immoral Purposes; Damaging Building, etc., by Explosion with no Threat to Human Being; Employing, Using, or Permitting Minor to Engage in Sexually Explicit Conduct for Commercial Use; Endangering Life and Property by Explosives with no Threat to Human Being; Extortion 2; False Verification for Welfare; Forged Prescription; Forgery; Hit and Run — Injury Accident; Incest 1; Incest 2; Indecent Liberties (without forcible compulsion); Intimidating a Juror; Intimidating a Public Servant; Intimidating a Witness; Introducing Contraband 1; Introducing Contraband 2; Malicious Harassment; Malicious Mischief 1; Malicious Mischief 2; Perjury 1; Perjury 2; Possession of a Controlled Substance That is a Narcotic from Schedule I or II; Possession of a Controlled Substance that is a Narcotic from Schedule III, IV, or V or Nonnarcotic from Schedule I-V; Possession of Stolen Property 1; Possession of Stolen Property 2; Promoting Prostitution 1; Promoting Prostitution 2; Rape 3; Reckless Burning 1; Rendering Criminal Assistance 1; Sending Bringing Into the State, Possessing, Publishing, Printing, Etc. Obscene Matter Involving Minor Engaged in Sexually Explicit Conduct; Statutory Rape 2; Statutory Rape 3; Taking Motor Vehicle Without Permission; Tampering with a Witness; Theft 1; Theft 2; Theft of Livestock; Unlawful Imprisonment; Unlawful Issuance of Checks or Drafts; Unlawful Possession of a Short Firearm or Pistol; Vehicle Prowl 1; Vehicular Assault; Welfare Fraud.

OFFENDER'S NAME <i>Richard KAMTON COLP</i>	OFFENDER'S DOB <i>7-8-48</i>	STATE ID #
JUDGE	CAUSE # <i>26-1-038023</i>	FBI ID #

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

Enter number of felony convictions **x 1 =** _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony adjudications **x 1/2 =** _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct count in offender score)

Enter number of other felony convictions **x 1 =** _____

Add the scores in each category **TOTAL OFFENDER SCORE** *0*
(round down to the nearest whole number)

STANDARD SENTENCE RANGE CALCULATION*

<u><i>Indecent Liberties</i></u> CURRENT OFFENSE BEING SCORED	<u><i>VI</i></u> SERIOUSNESS LEVEL	<u><i>0</i></u> OFFENDER SCORE	<u><i>12+ TO 14 months</i></u> LOW HIGH STANDARD SENTENCE RANGE
--	--	--------------------------------------	---

*Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

*If sentence is one year or less, the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours).

**APPENDIX B TO PLEA AGREEMENT
PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY
(SENTENCING REFORM ACT)**

Defendant: Richard Komertory Cole Date: Sept 26 1986


CRIME	DATE OF CONVICTION	PLACE OF CONVICTION	DISPOSITION (Probation and/or incarceration and length) SRA — Counts as Prior
-------	--------------------	---------------------	---

ADULT FELONIES:
NONE KNOWN; RECOMMENDATION AND STANDARD RANGE
ASSUMES NO PRIOR FELONY CONVICTIONS

ADULT MISDEMEANORS:

JUVENILE FELONIES:

JUVENILE MISDEMEANORS:


Deputy Prosecuting Attorney

**STATE'S SENTENCE RECOMMENDATION
(CONFINEMENT OF OVER ONE YEAR — SENTENCING REFORM ACT)**

Defendant: Cole Date: 2/17
Cause No: 86-1-03802-3

State recommends that the sentence of this defendant be as follows:

TOTAL CONFINEMENT: State recommends that the defendant be sentenced to a term of total confinement in the custody of the Department of Correction as follows:

Count I 14 months/years. Count IV _____ months/years.
Count II _____ months/years. Count V _____ months/years.
Count III _____ months/years. Count VI _____ months/years.

Terms on each count to run concurrently/consecutively.

PROBATION REVOCATION/MODIFICATION:


- a. Revocation: State recommends revocation of probation (Pre-Sentencing Reform Act) on King County Cause Number(s): _____
and recommends that terms be run concurrently/consecutively.
- b. Modification: State recommends modification community supervision (Sentencing Reform Act) on King County Cause Number(s): _____
and recommends that terms be run concurrently/consecutively.

MONETARY PAYMENTS: The defendant shall make the following monetary payments under the supervision of the Department of Corrections (RCW 9.94A.120(11)) within 10 years:

- a. Restitution as set forth on attached page entitled "Plea Agreement/Trial" and Appendix C.
- b. Pay Costs, mandatory \$75 Victim Penalty Assessment, recoupment of cost of defense attorney fees, if appointed.
- c. Pay a fine of \$ _____
- d. Other _____

EXCEPTIONAL SENTENCE: This is an exceptional sentence, and the substantial and compelling reasons for departing from the presumptive sentence range are set forth on the attached form.

Approved by:


Deputy Prosecuting Attorney

King County Prosecuting Attorney

White Copy: Court
Canary Copy: Defense
Pink Copy: Prosecutor

NON-TRIAL

SCOMIS code:

PREHRG DISPHRG HEARING
POSTHRG MINUTE

Department No. 17

Date: July 28, 1987

Page 1 of 1

JUDGE: DONALD D. HALEY

BAILIFF: DENISE WILLIAMS

COURT CLERK: CAROL S. MILLER

REPORTER: DAVE ERWIN

King County Cause No. 86-1-03802-3

Case Caption

STATE OF WASHINGTON VS RICHARD KEMPTON COLE

Litigants and attorneys

DPA, KATHERINE FLACK, PRESENT FOR STATE.

DEF. PRESENT WITH COUNSEL, JACQUELINE McMURTRIE

Minute Entry

SENTENCING

RESPECTIVE COUNSEL CONFER WITH THE COURT IN CAMERA.

THE COURT SENTENCES DEF. TO 14 MONTHS IN THE DEPT. OF CORRECTIONS, TOTAL CONFINEMENT, AND FURTHER ORDERS DEF. TO PAY \$130.⁵⁰ COURT COSTS, \$70.⁰⁰ PENALTY ASSESSMENT AND RECOUPMENT OF DEF. ATTORNEY FEES.

THE COURT ADVISES DEF. OF HIS RIGHTS ON APPEAL AND RECORD OF ADVISE OF RIGHTS ON APPEAL IS EXECUTED.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT AND SENTENCE ARE SIGNED BY THE COURT AND DEF. IS FINGERPRINTED.

DEF'S MOTION FOR APPEAL BOND. GRANTED, \$25,000.⁰⁰

CONDITIONS OF RELEASE PENDING APPEAL SIGNED BY THE COURT.

26
my

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

NO. 86-1-03802-3

v.

JUDGMENT AND SENTENCE

RICHARD K. COLE

Defendant.

28 PM 3:18

HEARING CLERK

1.1 Pursuant to RCW 9.94A.110, sentencing hearing in this case was held on July 28, 1987

1.2 Present were:

Defendant: RICHARD K. COLE

Defendant's Lawyer: JACKIE McINTYRE

Deputy Prosecuting Attorney: Kate Flack

Other:

1.3 The state has moved for dismissal of Count(s)

1.4 Defendant was asked if there was any legal cause why judgment should not be pronounced, and none was shown.

II. FINDINGS

Based on the testimony heard, statements by defendant and/or victims, argument of counsel, the presentence report(s) and case record to date, the court finds:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on (date): 2/11/87 by plea/jury verdict/bench trial of:

Count No.: I Crime: INDECENT LIBERTIES

RCW 9A.44.100 Crime Code 00864

Date of Crime July 21-22, 1986 Incident No.

Count No.: Crime:

RCW Crime Code

Date of Crime Incident No.

Count No.: Crime:

RCW Crime Code

Date of Crime Incident No.

Additional current offenses are attached in Appendix A.

(a) With a special verdict/finding for being armed with a deadly weapon on Count(s):

(b) Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

(c) Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.400(1)(a)):



27 mg JS

COPY TO COUNTY JUL 29 1987 CERTIFIED COPY TO COUNTY JUL 29 1987 COPY TO DOC. CENTRAL RECORDS JUL 29 1987 COPY TO SENTENCING GUIDELINES COMMISSION JUL 29 1987

2.2 CRIMINAL HISTORY: Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.360):

Crime	Sentencing Date	Adult or Juv. Crime	Date of Crime	Crime Type
(a) _____	_____	_____	_____	_____
(b) _____	_____	_____	_____	_____
(c) _____	_____	_____	_____	_____
(d) _____	_____	_____	_____	_____

- Additional criminal history is attached in Appendix B.
- Prior convictions served concurrently and counted as one offense in determining the offender score are (RCW 9.94A.360 (11)):

2.3 SENTENCING DATA:

Count	OFFENDER SCORE	SERIOUSNESS LEVEL	RANGE	MAXIMUM TERM
Count <u>I</u> :	<u>0</u>	<u>VI</u>	<u>12+-14 months</u>	<u>10 years</u>
Count _____ :	_____	_____	_____	_____
Count _____ :	_____	_____	_____	_____

- Additional current offense sentencing data is attached in Appendix C.

2.4 EXCEPTIONAL SENTENCE:

- Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) _____. Findings of fact and conclusions of law are attached in Appendix D.

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in section 2.1 above and Appendix A.

- The Court DISMISSES Count(s) _____.

IV. ORDER

IT IS ORDERED that defendant serve the determinate sentence and abide by the conditions set forth below.

4.1 Defendant shall pay to the Clerk of this Court:

- (a) \$ 130.50, Court costs;
- (b) \$70, Victim assessment;
- (c) \$ _____ Total amount restitution (with credit for amounts paid by co-defendant) to:

Name	Address	Amount
_____	_____	\$ _____
_____	_____	\$ _____
- Schedule of Restitution is attached as Appendix E.
- Restitution to be determined at future restitution hearing _____
- (d) \$ 390.00, Recoupment for attorney's fees to King County Public Defense Programs, 2015 Smith Tower, Seattle, WA 98104.
- (e) \$ _____, Fine;
- (f) \$ _____, King County Interlocal Drug Fund;
- (g) \$ _____, Other costs for: _____
- (h) \$ 520.00, TOTAL monetary obligations.
- (i) The above payments shall be made to the King County Superior Court Clerk E609, King County Courthouse, Seattle, Washington 98104, according to the rules of the Clerk and the following terms: Not less than \$ _____ per month, On a schedule established by the defendant's Community Corrections officer.

and the clerk of the court shall credit monetary payments to the above obligations in the above-listed order.

- (j) The defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to ten years to assure payment of the above monetary obligations.

4.2 CONFINEMENT OVER ONE YEAR: Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows commencing (date): Friday, August 28, 1987, at or before noon.

14 months on Count No. I

_____ months on Count No. _____

_____ months on Count No. _____

The terms in Count(s) No. _____ are concurrent/consecutive.

The sentence herein shall run concurrently/consecutively with the sentence in cause number(s) _____

Total number of months of confinement ordered is _____ months.

Credit is given ~~for~~ as determined by the Commitments Officer of the King County Jail.
day(s) served.

The following Appendices are attached to this Judgment and Sentence and are incorporated by reference:

- Appendix A, Additional Current Offenses (2.1)
- Appendix B, Additional Criminal History (2.2)
- Appendix C, Additional Current Offense(s) Sentencing Data (2.3)
- Appendix D, Findings of Fact and Conclusions of Law for an Exceptional Sentence (2.4)
- Appendix E, Schedule of Restitution (4.1(c))

Date: July 28, 1987

Donald J. Hole
Judge, King County Superior Court

Presented by:

Approved as to form:

W. M. Coch
Deputy Prosecuting Attorney

[Signature]
Attorney for Defendant

FINGERPRINTS



Defendant's Signature:

Richard K Cole

Attested by:

Right Hand
Fingerprints of:

M. Janice Michels, Superior Court Clerk

x RICHARD KEMPTON COLE

By: Carol S. Miller
Deputy Clerk

Dated: JUL 28 1987

Donald A. Haley
Judge, King County Superior Court

CERTIFICATE

OFFENDER IDENTIFICATION

I, _____,
Clerk of this Court, certify that the above is a true copy
of the Judgment and Sentence in this action on record in
my office.

S.I.D. No. _____
Date of Birth 7-8-48
Sex MC
Race W

Dated: _____

Clerk

By: _____
Deputy Clerk

MM



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

47 AUG 31 PM 2:43

STATE OF WASHINGTON

Plaintiff,

vs.

Richard K Cole

Defendant.

CLERK OF COURT
SUPERIOR COURT CLERK
SEATTLE, WA
NO. *76-1-03802-3*
ORDER EXONERATING BOND (WHERE
SECURITY HAS BEEN DEPOSITED)

The above-named defendant has posted a bond and deposited security with the Clerk; the defendant appeared in Court at the time of trial and has fulfilled the conditions of the bond, NOW, THEREFORE,

IT IS ORDERED that the bond herein is exonerated and the Clerk shall return the money on deposit to the person who paid the funds into the registry of the court.

Dated:	
CAL	
DOCK	
CASH	
JUDG	
<input checked="" type="checkbox"/> DISB	<i>9-2-87 \$4995.00</i>
CRIM	
Presented By:	
FILE	
TRANS	

August 31, 19 *87*

[Signature]
JUDGE

[Signature]
* WALLIS W. COLE

Approved:

Michael D. [Signature] DRA
8/31/87



28

N ALERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)	
)	
Plaintiff,	)	NO. 86-1-03802-3
)	
v.	)	FELONY WARRANT OF COMMITMENT
)	
RICHARD K. COLE	)	1. () COUNTY JAIL
	)	2. XX DEPARTMENT OF CORRECTIONS
	)	3. () OTHER - CUSTODY
Defendant.	)	4. () WESTERN STATE HOSPITAL
	)	(Sexual Offender)

SEP -2 11:11
CLERK

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF KING COUNTY

WHEREAS, Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of King, that the defendant be punished as specified in the Judgment and Sentence ~~XXXXXX~~, a full true 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 King County Jail; or pursuant to RCW 9.94A.190(3), if the defendant is committed or returned for incarceration in a state facility on another felony, take and deliver the defendant to the proper officers of the Department of Corrections.)
- (XX) 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.)
- () 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 and 4 below.)
- () 4. The defendant is committed for up to thirty (30) days evaluation at Western State Hospital to determine amenability to sexual offender treatment.
YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the State pending delivery to the proper officers of the Secretary of the Department of Social and Health Services.
YOU, THE PROPER OFFICERS OF THE SECRETARY OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, ARE COMMANDED to receive the defendant for evaluation as ordered in the Judgment and Sentence.

By direction of the Honorable

Dated: August 28, 1987

DONALD D. HALEY

Judge

I hereby certify that by virtue of the within commitment

I delivered Cole, Richard K. to the traveling guard for the Washington Corrections Center, as within I am commanded.

By:

[Signature]
Deputy Clerk

POSTED

Dated this 2 Day of Sept 1987

H. Dear Olson

BY *[Signature]*
Commitment Officer

29 RB

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

NO. 86-1-03802-3

v.

JUDGMENT AND SENTENCE

RICHARD K. COLE

Defendant

JUL 26 PM 3:18

HEARING

1.1 Pursuant to RCW 9.94A.110, sentencing hearing in this case was held on

July 28, 1987

1.2 Present were:

Defendant: RICHARD K. COLE

Defendant's Lawyer: JACKIE McMurtrie

Deputy Prosecuting Attorney: Kate Flack

Other:

1.3 The state has moved for dismissal of Count(s)

1.4 Defendant was asked if there was any legal cause why judgment should not be pronounced, and none was shown.

II. FINDINGS

Based on the testimony heard, statements by defendant and/or victims, argument of counsel, the presentence report(s) and case record to date, the court finds:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on (date): 2/11/87 by plea/jury verdict/bench trial of:

Count No.: I Crime: INDECENT LIBERTIES

RCW 9A.44.100

Crime Code 00864

Date of Crime July 21-22, 1986

Incident No.

Count No.: Crime:

RCW

Crime Code

Date of Crime

Incident No.

Count No.: Crime:

RCW

Crime Code

Date of Crime

Incident No.

Additional current offenses are attached in Appendix A.

(a) With a special verdict/finding for being armed with a deadly weapon on Count(s):

(b) Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

(c) Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.400(1)(a)):

COPY TO DOC. CENTRAL RECORD JUL 29 1987 CERTIFIED COPY TO COUNTY JUL 29 1987 COPY TO SENTENCING GUIDELINES COMMISSION JUL 29 1987

2.2 CRIMINAL HISTORY: Prior convictions constituting criminal history for purpose of calculating the offender score are (RCW 9.94A.360):

Crime	Sentencing Date	Adult or Juv. Crime	Date of Crime	Crime Type
(a) _____	_____	_____	_____	_____
(b) _____	_____	_____	_____	_____
(c) _____	_____	_____	_____	_____
(d) _____	_____	_____	_____	_____

- Additional criminal history is attached in Appendix B.
 Prior convictions served concurrently and counted as one offense in determining the offender score are

(RCW 9.94A.360 (11)):

2.3 SENTENCING DATA:	OFFENDER SCORE	SERIOUSNESS LEVEL	RANGE	MAXIMUM TERM
Count <u>I</u> :	<u>0</u>	<u>VI</u>	<u>12+-14 months</u>	<u>10 years</u>
Count _____ :	_____	_____	_____	_____
Count _____ :	_____	_____	_____	_____

- Additional current offense sentencing data is attached in Appendix C.

2.4 EXCEPTIONAL SENTENCE:

- Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) _____. Findings of fact and conclusions of law are attached in Appendix D.

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in section 2.1 above and Appendix A.

- The Court DISMISSES Count(s) _____.

IV. ORDER

IT IS ORDERED that defendant serve the determinate sentence and abide by the conditions set forth below.

4.1 Defendant shall pay to the Clerk of this Court:

- (a) \$ 130.50, Court costs;
 (b) \$70, Victim assessment;
 (c) \$ _____ Total amount restitution (with credit for amounts paid by co-defendant) to:

Name	Address	Amount
_____	_____	\$ _____
_____	_____	\$ _____

- Schedule of Restitution is attached as Appendix E.

- Restitution to be determined at future restitution hearing _____.

- (d) \$ 390.00, Recoupment for attorney's fees to King County Public Defense Programs, 2015 Smith Tower, Seattle, WA 98104.

- (e) \$ _____, Fine;
 (f) \$ _____, King County Interlocal Drug Fund;
 (g) \$ _____, Other costs for: _____
 (h) \$ 520.00, TOTAL monetary obligations.
 (i) The above payments shall be made to the King County Superior Court Clerk E609, King County Courthouse, Seattle, Washington 98104, according to the rules of the Clerk and the following terms: Not less than \$ _____ per month, On a schedule established by the defendant's Community Corrections officer.

and the clerk of the court shall credit monetary payments to the above obligations in the above-listed order.

- (j) The defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to ten years to assure payment of the above monetary obligations.

4.2 CONFINEMENT OVER ONE YEAR: Defendant is sentenced to a term of confinement in the custody of the Department of Corrections as follows commencing (date): Friday, August 28, 1987, at or before noon.

14 months on Count No. I
____ months on Count No. _____
____ months on Count No. _____

The terms in Count(s) No. _____ are concurrent/consecutive.

The sentence herein shall run concurrently/consecutively with the sentence in cause number(s) _____

Total number of months of confinement ordered is _____ months.

Credit is given ~~for~~ as determined by the Commitments Officer of the King County Jail.
day(s) served.

The following Appendices are attached to this Judgment and Sentence and are incorporated by reference:

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- Appendix C, Additional Current Offense(s) Sentencing Data (2.3)
- Appendix D, Findings of Fact and Conclusions of Law for an Exceptional Sentence (2.4)
- Appendix E, Schedule of Restitution (4.1(c))

Date: July 28, 1987

Donald J. Hole
Judge, King County Superior Court

Presented by:

Approved as to form:

W. M. Cosh
Deputy Prosecuting Attorney

Geoffrey M. Muste
Attorney for Defendant

FINGERPRINTS



Defendant's Signature: Richard K. Cole

Attested by:

Right Hand
Fingerprints of:

M. Janice Michels, Superior Court Clerk

X RICHARD KEMPTON COLE

By: Carol S. Miller
Deputy Clerk

Dated: JUL 28 1987

Donald A. Hale
Judge, King County Superior Court

CERTIFICATE

OFFENDER IDENTIFICATION

I, _____,
Clerk of this Court, certify that the above is a true copy
of the Judgment and Sentence in this action on record in
my office.

S.I.D. No. _____
Date of Birth 7-8-48
Sex M
Race W

Dated: _____

Clerk

By: _____
Deputy Clerk

FILED
OCT OCT -9 AM 3:02
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE WA

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

v. Richard Kempton Cole

Defendant.

NO.

NOTICE OF WITHDRAWAL

86-1-23802-3

TO: CLERK OF THE SUPERIOR COURT

TO: NORM MALENG, PROSECUTING ATTORNEY

YOU WILL PLEASE TAKE NOTICE that the undersigned as of this date is withdrawing as attorney for the defendant in the above entitled action.

DATED this 7 day of oct, 1987.

SEATTLE-KING COUNTY PUBLIC DEFENDER

J. McMurtrie
Attorney for Defendant

NOTICE - 1
7135C

FILED

LAW OFFICES OF
THE PUBLIC DEFENDER
810 THIRD AVENUE
6TH FLOOR CENTRAL BUILDING
SEATTLE WASHINGTON 98104
(206) 447-3900

30
my



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

FILED 1574 5382601
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STATE OF WASHINGTON

Plaintiff,

vs.

No. 86-1-03802-3

Richard Kempton Cole

Defendant.

MOTION, AFFIDAVIT AND ORDER PROVIDING
COMPENSATION FOR EXPERT SERVICES

I. MOTION

The undersigned, having been authorized to expend up to \$ 900 for expert services and based upon the following affidavit and attached bill, hereby moves the court for an Order Providing Compensation in the sum of \$ 900.

Signature

II. AFFIDAVIT

I, Kate M Flack, am the attorney for the State and do certify that the below-listed expert was appointed by previous court order and that the expert services were performed, as shown by the attached bill, to my satisfaction. If the amount of payment requested exceeds the amount authorized in the order of appointment, I have attached additional information justifying the excess. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

[Signature]
Signature

III. ORDER

IT IS ORDERED that the Superior Court Comptroller pay to the below-listed expert the sum of \$ 900⁰⁰ for services herein.

DATED: 10/28/87

[Signature]
JUDGE

Dr. Irwin S. Dreibuatt

Printed Name of Expert

1001 Broadway - Suite 315
Street/Mailing Address

Seattle Wash. 98122
City State Zip Code

(206) 323-0905
Telephone

June 30, 1987
Date Order Appointing ~~Signed~~
oral

910901139
Tax ID/Social Security Number



Type of Expert Service Provided: Psychological Evaluation -

Order Providing Compensation/Expert (ORPCEW)

SC Form A-108 7/85

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rel

Pat
Please Pass
part. car
Thanks
SC

Pat,
Please pay
in enclosed
order.
Thanks
SC



DEPARTMENT OF CORRECTIONS
NOTIFICATION OF RELEASE

FILED
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OFFENDER NAME COLE, Richard K.	DOC NUMBER 322204	FACILITY Win Rivers Corrections Center
-----------------------------------	----------------------	--

SECTION I SRA

Under SRA this offender has financial conditions (or other requirements) after the prison sentence is completed under the following cause numbers:

	COUNTY	CAUSE #	OFFENSE
1.	King	36-1-02901-3	Indecent Liberties
2.			
3.			
4.			
5.			

SECTION II PAROLE

This offender has the following cause numbers in which the Parole Board has jurisdiction:

	COUNTS	CAUSE #	OFFENSE	STATUS	MAX EX
1.					
2.					
3.					
4.					
5.					

SECTION III PROBATION

This offender has probations as follows:

	COUNTY	CAUSE #	OFFENSE	EXP DATE
1.				
2.				
3.				
4.				
5.				

SECTION IV RELEASE FROM PRISON/WORK RELEASE

Check when applicable

- A. This offender has completed all sentence requirements and conditions.
No _____ Yes
- B. This offender has financial conditions (or other requirements) after the prison sentence is completed (see Section I). Judgment and Sentence are attached.
No _____ Yes
(If yes, see item "H")
- C. Release is scheduled for 06 / 13 / 88. The term of confinement was 16 months, and the release date was calculated as follows:
 Date of Sentence/Time Start 03 / 28 / 87
 Minus Judgment and Sentence Credits 00 / 00 /
 Minus Earned Early Release Credits 00 / 10 / Includes Six Days RT Not Earned
 Scheduled Release Date 06 / 13 / 88
 (subject to change due to Good Conduct Time Loss)

B Vanderpool

R & I Officer signature B. Vanderpool, R and I ?

WR Supervisor/Superintendent signature J. Barbour, Supt.

- D. Notification to Victim/Witness Programs (If yes, complete "Violent Offender Tracking Form") No _____ Yes
- E. Referred for Mental Health Services: No Yes _____
If "Yes" (Identify) _____
- F. Voluntary Services Requested: No Yes _____
If "Yes": _____
(CCO, Office address, city, county, region)
- G. Offender address:
Post Office Box 420
Seahurst, Washington 98422

PHONE: 453-2267
- H. In accordance with RCW 9.94A, I understand that I have additional sentence requirements and that I must report to Stephen Sype, CCO 2/Burien Office
(Officer Name).
Post Office Box 66768/15111 8th Avenue S.W., Suite 202/Seattle, Washington 98166
at _____
(Office address, city, county, region) Phone: 266-6458

within 48 hours of my release.



(Offender signature) _____

Date _____

(Witness) _____

Date _____

Distribution: Original — Central File
 cc — Court, County of Conviction
 Receiving Assignment Office (with Judgment and Sentence)
 Receiving CCO (as appropriate)
 Assignment Office of original conviction (if offender refuses to provide address or comply)

32
R

STATE OF WASHINGTON,

Plaintiff

vs.

COLE, Richard K.

Defendant.

NO. KC #86-1-03802-3

**CERTIFICATE AND ORDER
OF DISCHARGE**

This matter having come on regularly before the above entitled court pursuant to RCW 9.94A.220, the court having been notified by the Secretary of the Department of Corrections or his designee that the above named defendant has completed the requirements of his/her sentence, and there appearing to be no reason why the defendant should not be discharged, and the court having reviewed the records and file herein, and being fully advised in the premises, Now, Therefore,

IT IS HEREBY CERTIFIED that the defendant has completed the requirements of the sentence imposed.

IT IS HEREBY ORDERED that the defendant be DISCHARGED from the confinement and supervision of the Secretary of the Department of Corrections.

IT IS FURTHER ORDERED that the defendant's civil rights lost by operation of law upon conviction be HEREBY RESTORED.

DONE IN OPEN COURT this 29th day of June, 1986

Donald D. Haley
JUDGE
Donald D. Haley

Presented by:

[Signature]

Deputy Prosecuting Attorney

CERTIFICATE AND ORDER
OF DISCHARGE

POSTED
33
R