

FILED

2006 FEB -7 AM 10: 11

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

FRV

CERTIFIED COPY TO COUNTY JAIL FEB - 7 2006

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)	
)	
Plaintiff,)	No. 04-1-05925-5 KNT
)	
Vs.)	JUDGMENT AND SENTENCE
)	FELONY
CHARLES MOMAH)	
)	
Defendant,)	

I. HEARING

I.1 The defendant, the defendant's lawyer, DAVID ALLEN, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: _____

II. FINDINGS

There being no reason why judgment should not be pronounced, the court finds:

2.1 **CURRENT OFFENSE(S):** The defendant was found guilty on 11/16/2005 by jury verdict of:

Count No.: I Crime: RAPE IN THE THIRD DEGREE
 RCW 9A.44.060 (1) (a) Crime Code: 00764
 Date of Crime: 08/12/2003 Incident No. _____

Count No.: II Crime: INDECENT LIBERTIES
 RCW 9A.44.100 (1) (d) Crime Code: 00868
 Date of Crime: 04/30/2002 - 06/01/2003 Incident No. _____

Count No.: III Crime: INDECENT LIBERTIES
 RCW 9A.44.100 (1) (d) Crime Code: 00868
 Date of Crime: 04/30/2002 - 06/01/2003 Incident No. _____

Count No.: IV Crime: RAPE IN THE SECOND DEGREE
 RCW 9A.44.050 (1) (d) Crime Code: 00748
 Date of Crime: 03/01/2003 - 04/01/2003 Incident No. _____

[] Additional current offenses are attached in Appendix A

SPECIAL VERDICT or FINDING(S):

- (a) While armed with a firearm in count(s) _____ RCW 9.94A.510(3).
- (b) While armed with a deadly weapon other than a firearm in count(s) _____ RCW 9.94A.510(4).
- (c) With a sexual motivation in count(s) _____ RCW 9.94A.835.
- (d) A V.U.C.S.A. offense committed in a protected zone in count(s) _____ RCW 69.50.435.
- (e) Vehicular homicide Violent traffic offense DUI Reckless Disregard.
- (f) Vehicular homicide by DUI with _____ prior conviction(s) for offense(s) defined in RCW 41.61.5055, RCW 9.94A.510(7).
- (g) Non-parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A.44.130.
- (h) Domestic violence offense as defined in RCW 10.99.020 for count(s) _____.
- (i) Current offenses encompassing the same criminal conduct in this cause are count(s) _____ RCW 9.94A.589(1)(a).

2.2 OTHER CURRENT CONVICTION(S): Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): _____

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

- Criminal history is attached in Appendix B.
- One point added for offense(s) committed while under community placement for count(s) _____

2.4 SENTENCING DATA:

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count I	9	V	60 MONTHS		60 MONTHS	5 YRS AND/OR \$10,000
Count II	N/A	UNRNKD	0 TO 12		0 TO 12 MONTHS	10 YRS AND/OR \$20,000
Count III	N/A	UNRNKD	0 TO 12		0 TO 12 MONTHS	10 YRS AND/OR \$20,000
Count IV	9	XI	210 TO 280		210 TO 280 MONTHS	LIFE AND/OR \$50,000

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

2.5 EXCEPTIONAL SENTENCE (RCW 9.94A.535):

Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) _____. Findings of Fact and Conclusions of Law are attached in Appendix D. The State did did not recommend a similar sentence.

III. JUDGMENT

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

- The Court DISMISSES Count(s) _____

IV. ORDER

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

4.1 RESTITUTION AND VICTIM ASSESSMENT:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
 - Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(2), sets forth those circumstances in attached Appendix E.
 - Restitution to be determined at future restitution hearing on (Date) _____ at _____ m.
 Date to be set.
 - Defendant waives presence at future restitution hearing(s).
 - Restitution is not ordered.
- Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500

4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a) \$ _____, Court costs; Court costs are waived; (RCW 9.94A.030, 10.01.160)
- (b) \$100 DNA collection fee; DNA fee waived (RCW 43.43.754)(crimes committed after 7/1/02);
- (c) \$ _____, Recoupment for attorney's fees to King County Public Defense Programs;
 Recoupment is waived (RCW 9.94A.030);
- (d) \$ _____, Fine; \$1,000, Fine for VUCSA; \$2,000, Fine for subsequent VUCSA;
 VUCSA fine waived (RCW 69.50.430);
- (e) \$ _____, King County Interlocal Drug Fund; Drug Fund payment is waived;
(RCW 9.94A.030)
- (f) \$ _____, State Crime Laboratory Fee; Laboratory fee waived (RCW 43.43.690);
- (g) \$ _____, Incarceration costs; Incarceration costs waived (RCW 9.94A.760(2));
- (h) \$ _____, Other costs for: _____

4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 500 + Restitution. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: Not less than \$ _____ per month; On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations: for crimes committed before 7/1/2000, for up to ten years from the date of sentence or release from total confinement, whichever is later; for crimes committed on or after 7/1/2000, until the obligation is completely satisfied. Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.

- Court Clerk's trust fees are waived.
- Interest is waived except with respect to restitution.

4.4 The defendant, having been convicted of a **FELONY SEX OFFENSE**, is sentenced to the following:

(a) **DETERMINATE SENTENCE** : Defendant is sentenced to a term of confinement in the custody of the
 King County Jail King County *Work/Education Release* (subject to conditions of conduct ordered
this date) *Department of Corrections*, as follows, commencing: immediately;
 Date: _____ by _____ a.m. / p.m.

60 months/days on count I; _____ months/days on count _____; _____ months/days on count _____;
12 months/days on count II; _____ months/days on count _____; _____ months/days on count _____;
12 months/days on count III; _____ months/days on count _____; _____ months/days on count _____.

ALTERNATIVE CONVERSION - RCW 9.94A.680 (LESS THAN ONE YEAR ONLY):

_____ days of total confinement are hereby converted to:

_____ days of partial confinement to be served subject to the requirements of the King County Jail.
 _____ days/hours community service under the supervision of the Department of Corrections to be
completed as follows: on a schedule established by the defendant's Community Corrections Officer;

 Alternative conversion was not used because: Defendant's criminal history, Defendant's
failure to appear, Other: _____

CONFINEMENT LESS THAN ONE YEAR : COMMUNITY **SUPERVISION**, for crimes
committed before 7-1-2000, **CUSTODY**, for crimes committed on or after 7-1-2000, is ordered
pursuant to RCW 9.94A.545 for a period of 12 months. The defendant shall report to the Department of
Corrections within 72 hours of this date or of his/her release if now in custody; shall comply with all the
rules, regulations and conditions of the Department for supervision of offenders (RCW 9.94A.720); shall
comply with all affirmative acts required to monitor compliance; and shall otherwise comply with terms set
forth in this sentence.

APPENDIX _____: Additional Conditions are attached and incorporated herein.

COMMUNITY PLACEMENT / CONFINEMENT OVER ONE YEAR: pursuant to RCW
9.94A.700, for **qualifying crimes committed before 6-6-1996**, is ordered for _____ months or for
the period of earned early release awarded pursuant to RCW 9.94A.728, whichever is longer. [24 months
for any serious violent offense, vehicular homicide, vehicular assault, or sex offense prior to 6-6-96; 12
months for any assault 2°, assault of a child 2°, felony violation of RCW 69.50/52, any crime against
person defined in RCW 9.94A.440 not otherwise described above.]

APPENDIX H: Community Placement conditions are attached and incorporated herein.

COMMUNITY CUSTODY / CONFINEMENT OVER ONE YEAR: pursuant to RCW 9.94A.710
for any **SEX OFFENSE** committed after 6-6-96 but before 7-1-2000, is ordered for a period of 36
months or for the period of earned early release awarded under RCW 9.94A.728 whichever is longer.

APPENDIX H: Community Custody conditions are attached and incorporated herein.

COMMUNITY CUSTODY / CONFINEMENT OVER ONE YEAR: pursuant to RCW 9.94A.715
for **qualifying crimes (non RCW 9.94A.712 offenses)** committed after 6-30-2000 is ordered for the
following established range:

- Sex Offense, RCW 9.94A.030(38) - 36 to 48 months
- Serious Violent Offense, RCW 9.94A.030(37) - 24 to 48 months
- Violent Offense, RCW 9.94A.030(45) - 18 to 36 months
- Crime Against Person, RCW 9.94A.411 - 9 to 18 months
- Felony Violation of RCW 69.50/52 - 9 to 12 months

or for the entire period of earned early release awarded under RCW 9.94A.728, whichever is longer.
Sanctions and punishments for non-compliance will be imposed by the Department of Corrections pursuant
to RCW 9.94A.737.

APPENDIX H: Community Custody conditions are attached and incorporated herein.

(b) **INDETERMINATE SENTENCE – QUALIFYING SEX OFFENSES occurring after 9/1/01:**

The Court having found that the defendant is subject to sentencing under RCW 9.94A.712, the defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows, commencing: immediately; [] (Date): _____ by _____ in.

Count IV: Minimum Term: 245 months/days; Maximum Term: Life years/life: NO

Count ____: Minimum Term: _____ months/days; Maximum Term: _____ years/life;

Count ____: Minimum Term: _____ months/days; Maximum Term: _____ years/life;

Count ____: Minimum Term: _____ months/days; Maximum Term: _____ years/life.

COMMUNITY CUSTODY – pursuant to RCW 9.94A.712 for qualifying **SEX OFFENSES** committed on or after September 1, 2001, is ordered for any period of time the defendant is released from total confinement before the expiration of the maximum sentence as set forth above. Sanctions and punishments for non-compliance will be imposed by the Department of Corrections pursuant to RCW 9.94A.713, 9.94A.737.

APPENDIX H: Community Custody conditions are attached and incorporated herein.

4.5 ADDITIONAL CONDITIONS OF SENTENCE

The above terms for counts I-IV are consecutive / concurrent

The above terms shall run [] CONSECUTIVE [] CONCURRENT to cause No.(s) _____

The above terms shall run [] CONSECUTIVE [] CONCURRENT to any previously imposed sentence not referred to in this order.

[] In addition to the above term(s) the court imposes the following mandatory terms of confinement for any special **WEAPON** finding(s) in section 2.1: _____

which term(s) shall run consecutive with each other and with all base term(s) above and terms in any other cause. (Use this section only for crimes committed after 6-10-98.)

[] The enhancement term(s) for any special **WEAPON** findings in section 2.1 is/are included within the term(s) imposed above. (Use this section when appropriate, but for crimes before 6-11-98 only, per In Re Charles)

The **TOTAL** of all terms imposed in this cause is 245 months.

Credit is given for 85 days served [] days as determined by the King County Jail, solely for confinement under this cause number pursuant to RCW 9.94A505(6). [] Jail term is satisfied – defendant shall be released under this cause.

4.4 **4.6 NO CONTACT:** For the maximum term of Life years, defendant shall have no contact, direct or indirect, in person, in writing, by telephone, or through third parties with: H.P., S.S., R.B., C.B., C.R., S.W., K.J.

[] Any minors without supervision of a responsible adult who has knowledge of this conviction.

4.7 **DNA TESTING:** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing, as ordered in **APPENDIX G.**

HIV TESTING: For sex offense, prostitution offense, drug offense associated with the use of hypodermic needles, the defendant shall submit to HIV testing as ordered in **APPENDIX G.**


4.8 **SEX OFFENDER REGISTRATION:**

The defendant shall register as a sex offender as ordered in **APPENDIX J.**

4.9 **ARMED CRIME COMPLIANCE, RCW 9.94A.475, 480.** The State's plea/sentencing agreement is attached as follows:

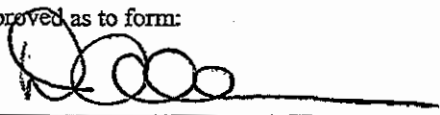
The defendant shall report to an assigned Community Corrections Officer upon release from confinement for monitoring of the remaining terms of this sentence.


Date: 2/6/06



JUDGE
Print Name: Judge M. Trickey

Presented by:

Approved as to form:



Deputy Prosecuting Attorney, WSBA# 23352
Print Name: R. Kogoff

Attorney for Defendant, WSBA#
Print Name: David Allen