

FILED

2024 AUG 23 AM 9:37

KITTITAS COUNTY
SUPERIOR COURT CLERK

SUPERIOR COURT OF WASHINGTON FOR KITTITAS COUNTY

STATE OF WASHINGTON

Plaintiff

No. 24-1-00081-19

vs.

DOUGLAS DARREN PRESTA

DOB 06/09/1969

Defendant

Judgment and Sentence
(JS)Clerk's Action Required. ☐ 4, ☐ 5, ☐ 6, ☐ 7

1. The defendant pled guilty, or pled not guilty and the verdict of the jury was guilty, or the finding of the court was guilty of:

Count	Crime	RCW (w/subsection)	Date of Crime
1	Theft in the Third Degree	9A 56 050(1)(a)	07/27/23

GV ☐ In count(s) _____, **domestic violence – intimate partner** was pled and proved

GV ☐ In count(s) _____, **domestic violence – family or household member** was pled and proved

Therefore, the defendant is adjudged guilty and sentenced as follows

Sentence is suspended/deferred for _____ months/years on the following conditions

Count 1. _____ days of jail, suspended/deferred _____ days;

and a fine of \$ _____ with \$ _____
suspended/deferred

☐ The court **dismisses** counts _____ in the charging document

Jail: Serve a total of _____ days in jail with credit for _____ days served, **and** serve a total of _____ days of ☐ electronic monitoring ☐ home detention/
electronic monitoring with credit for _____ days served

☐ Other alternative means of confinement _____

Jail sentences are concurrent/consecutive with all other commitments _____

☐ This crime is an offense which requires sex or kidnapping offender registration, or is one of the following offenses assault in the fourth degree domestic violence, assault in the fourth degree with sexual motivation, communication with a minor

80

25

for immoral purposes, custodial sexual misconduct in the second degree, failure to register, harassment, patronizing a prostitute, sexual misconduct with a minor in the second degree, stalking, indecent exposure, or violation of a sexual assault protection order. Therefore, the defendant shall have a biological sample collected for purposes of DNA identification analysis. If the defendant has already had a biological sample collected, the collecting agency may choose not to collect another a sample RCW 43 43 754; see *State v Booker*, 22 Wn App 2d 80, 86-87, 509 P 3d 854 (2022)

- ☐ Report to (law enforcement agency) _____
by (date and time) _____ to give a biological sample

Failure to give a biological sample is a gross misdemeanor

- 2 ☐ The defendant is indigent, as defined in RCW 10 01.160(3)

The defendant shall pay to the clerk of this court:

- | | | | |
|--|----------------|---|----------|
| <input type="checkbox"/> fine | \$ <u>0.00</u> | <input type="checkbox"/> criminal conviction fee | \$ _____ |
| <input checked="" type="checkbox"/> assessments | \$ <u>300</u> | <input type="checkbox"/> criminal traffic fee | \$ _____ |
| <input checked="" type="checkbox"/> costs | \$ <u>200</u> | <input type="checkbox"/> probation/monitoring fee | \$ _____ |
| <input type="checkbox"/> bench warrant fee | \$ _____ | <input type="checkbox"/> booking fee | \$ _____ |
| <input type="checkbox"/> jail recoupment fee | \$ _____ | <input type="checkbox"/> public defender recoupment | \$ _____ |
| | | <input type="checkbox"/> DPO assessment for DV conviction | \$ _____ |
| | | <input type="checkbox"/> domestic violence assessment | \$ _____ |
| <input type="checkbox"/> PPIA (RCW 9A.88 120) | \$ _____ | <input type="checkbox"/> DPR fee (RCW 7 105 450) | \$ _____ |
| <input type="checkbox"/> catalytic converter fine (\$1000 each) (RCW 19 290 070) | | | \$ _____ |
| <input type="checkbox"/> other _____ | | | \$ _____ |

☐ restitution of set by separate order

☒ restitution is ordered in the amount of:

\$ 6050.45 ~~\$ 7700.87~~ to (person/entity 1) Central Washington University at (mailing address)
CWU Business Services, 400 E University Way, Ellensburg, WA 98926

☐ restitution to be left open for _____ days

☐ restitution emergency response (RCW 38 52 430)

Total: \$ 6750.45

- 3 **Financial obligations are due and payable immediately unless the court has set a payment schedule.**

These payments should be made at 205 W 5th Ave, Room #210, Ellensburg, WA 98926. Please have your cause number available. 24-1-00081-19

☒ Pay total financial obligations at \$ 200 per month starting on (date)
8-23-24

☐ Pay schedule set by separate order

☐ \$ _____ of this total is converted to _____ hours of community restitution (service) which must be completed by _____

Proof of completion shall be provided to the court/probation department

☐ The defendant is ordered to reimburse (name of electronic monitoring agency)

_____ at _____
for the cost of pretrial electronic monitoring in the amount of \$ _____

4. **Additional Conditions of Sentence**

- ☒ No criminal violations of law or alcohol-related infractions
- ☐ Do not drive a motor vehicle without a valid license and proof of insurance
- ☐ Record Check Only probation for _____ months _____ number of criminal records checks will be performed during the period of supervision.
- ☐ Probation for _____ months. Supervised probation for _____ months, with probation department and abide by all rules and regulations of probation department Pay a \$_____ pre-sentence fee and a \$_____ monthly probation fee unless the fee is reduced by the probation department
- ☐ Supervised probation to end upon completion of ☐ certified domestic violence treatment and/or ☐ _____
- ☐ Obtain ☐ a substance use disorder evaluation from a Washington State approved agency ☐ a psycho-sexual evaluation from a state certified provider ☐ a mental health evaluation from a state licensed mental health provider ☐ certified domestic violence program ☐ anger management ☐ victim awareness education ☐ consumer awareness (theft) ☐ Other _____

File a copy of the evaluation within _____ days Begin any recommended treatment or education within _____ days and file proof of timely enrollment and completion.

- ☐ Begin the following within _____ days and complete within _____ months, and file proof of timely enrollment and completion ☐ DUI victim's panel ☐ alcohol/drug information school ☐ 1-year substance use disorder treatment ☐ 2-year substance use disorder treatment ☐ substance use disorder treatment for the period of _____ ☐ driver improvement school
- ☐ Use no alcoholic beverages or non-prescribed controlled drugs
- ☐ Attend ☐ Alcoholics Anonymous ☐ Narcotics Anonymous ☐ Other self-help program (_____) meetings _____ times a week for _____ months or as recommended by treatment provider
- ☐ Do not go upon the property of and have no contact with _____

☒ Other Letter of apology to Sathy Rajndran, Dean of CEPS

☐ **This crime involves a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A 44.130.** The defendant is required to register with the county sheriff as described in the "Offender Registration Attachment "

☐ **Department of Licensing Notice – CPL Revocation and Surrender**

- ☐ Count _____ is a violation of RCW 9.41 270 (unlawful carrying or handling of weapons), a gross misdemeanor for which the penalty includes loss and revocation of the defendant's concealed pistol licenses, if any.
- ☐ Count _____ is a violation of RCW 9 41 280 (knowingly possessing a dangerous weapon on school facilities or areas of facilities while being used for official meetings of a school district board of directors), a gross misdemeanor for which the penalty is revocation of the defendant's concealed pistol licenses (CPL), if any, for 3 years; and the defendant is not allowed to apply for concealed pistol licenses for a period of 3 years
- ☐ Count _____ is a violation of RCW 9 41 282 (carrying a firearm at a childcare center), a gross misdemeanor for which the penalty is revocation of the defendant's concealed pistol licenses (CPL) for 3 years and the immediate surrender of the defendant's CPL, if any. The defendant also is not allowed to apply for a CPL for a period of 3 years from the date of conviction

NOTICE TO THE DEFENDANT. You have been convicted of RCW 9 41 282, which requires immediate surrender of your concealed pistol licenses (CPL). You are ordered to immediately surrender your CPL, if any, to the court.

Clerk's Action. The clerk shall forward a Notice of Revocation of Concealed Pistol License to the Department of Licensing (DOL) and Washington State Patrol (WSP).

4.1 Proof of compliance will be provided to the Prosecutor's Office

☒ Any Pre-Trial No-Contact Order filed is now terminated

5. ☐ **Department of Licensing Notice – Defendant under age 21 only.**

Count _____ is (a) a violation of ch. 69 41 RCW [Legend drug], ch. 69 50 RCW [VUCSA], or ch. 69 52 RCW [Imitation drugs], and the defendant was under 21 years of age at the time of the offense **OR** (b) a violation under RCW 9 41 040 (unlawful possession of firearm), and the defendant was under the age of 18 at the time of the offense **OR** (c) a violation under ch. 66.44 RCW [Alcohol], and the defendant was under the age of 18 at the time of the offense **AND** the court finds that the defendant previously committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of ch. 66.44 RCW, ch. 69.41 RCW, ch. 69 50 RCW, or ch. 69 52 RCW.

Clerk's Action. The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the defendant's driver's license. RCW 46 20 265

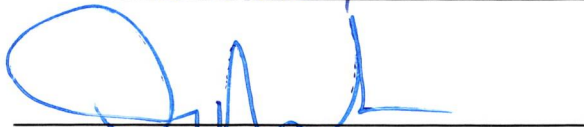
6. ☐ **Review hearing scheduled for (purpose)** _____
 on (date) _____ at _____ a m /p m
 at _____ Court, Room/Department _____
 Address. _____

7. ☐ Bail or Bond is ☐ exonerated ☐ forfeited

8. I have read the rights, conditions, and warnings.

Dated 8-23-24


Judge/Commissioner/Pro Tem

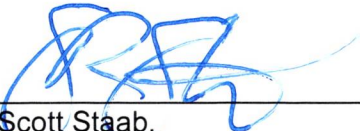

Defendant's Signature


Print Name L Candace Hoyer

Defendant's Mailing Address

4217 N. Lincoln St Spokane WA 99205
Street Address or PO Box City State Zip

Telephone No (509) 209-3904


Scott Staab,
Attorney for Defendant
WSBA No # 23287
☐ Written Waiver of Counsel is filed


Patricia D Todd
Deputy Prosecuting Attorney
WSBA # 38074

APPENDIX 4.1 - KITTITAS COUNTY SUPERIOR COURT PROBATION

DEFENDANT. Douglas Darren Presta

CASE NO. 24-1-00081-19

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the above named defendant be, and hereby is required to

CONDITIONS OF PROBATION INCLUDE:

1. Commit No criminal violations of law or alcohol related infractions
2. Maintain employment or a program of education
3. Do not possess or consume any non-prescribed controlled drugs

_____ Obtain an ☐ Alcohol/Drug ☐ Domestic Violence ☐ Mental Health ☐ _____
evaluation and file a copy of the evaluation within 30 days Begin any required treatment
or education within 45 days and file proof of timely enrollment and completion

_____ Attend Alcohol/Drug Self Help Meetings _____ times a week for _____ months or as
_____ recommended by treatment provider

_____ Do not possess or consume any alcoholic beverage.

_____ Do not possess firearms.

_____ Reinstate driver's license within _____ days/months

_____ _____ Community Services Hours (Location must be on list of sites approved by Kittitas
County Misdemeanant Probation Department)

_____ Have no contact with. _____

_____ Other _____

ACKNOWLEDGMENT OF ADVICE OF RIGHT TO APPEAL AND TIME LIMIT FOR FILING COLLATERAL ATTACK

The court has entered the Judgment and Sentence to which this form is attached. The undersigned, counsel for Defendant, or Defendant, and a qualified or certified interpreter (where applicable) acknowledge that Defendant has read or heard, and has acknowledged understanding, the following rights:

RIGHTS REGARDING APPEAL

- 1 Defendant has the right to appeal to the Court of Appeals.
- 2 If Defendant pleaded guilty, Defendant has waived the right to appeal his finding of guilt, but still may appeal issues collateral to the finding of guilt, or a sentence imposed outside the standard range.
- 3 Unless a notice of appeal is filed with the clerk of this court within 30 days from the entry of the Judgment and Sentence, the right to appeal will be forever lost.
- 4 If you have no lawyer to file a notice of appeal for you, the clerk of the court will, if requested by you, supply you with a notice of appeal form and file it upon completion by you.
5. Defendant has the right to be represented by a lawyer for the purposes of appeal, including preparation and filing of the notice of appeal. If Defendant cannot afford to hire a lawyer, the court will appoint a lawyer to represent Defendant at public expense.
6. Defendant has the right to have those parts of the trial record necessary for appeal prepared at public expense if Defendant cannot afford to pay for such preparation.

TIME LIMITS FOR COLLATERAL ATTACK

- 7 No petition or motion for relief from the Judgment and Sentence may be filed after one (1) year has elapsed from the time the Judgment and Sentence becomes final. The Judgment and Sentence becomes final on the last of the following dates:
 - a when it is filed with the clerk of this court;
 - b after a direct appeal (see rights above), when an appellate court issues its mandate disposing of such appeal, or
 - c when the United States Supreme Court denies a timely petition for certiorari to review a decision upholding Defendant's conviction on appeal. Filing a motion to reconsider denial of certiorari does not prevent the Judgment and Sentence from becoming final.
- 8 The time limit stated above does not apply to a petition or motion based solely on one or more of the following grounds:
 - a newly discovered evidence, if Defendant acted with due diligence in discovering the evidence and filing the petition or motion,
 - b. that the statute Defendant was convicted of violating was unconstitutional on its face or as applied to Defendant's conduct,
 - c the conviction was barred by double jeopardy, under Amendment V to the United States Constitution or Article 1, Section 9 of the Washington State Constitution,

- d Defendant pleaded not guilty and the evidence introduced at trial was insufficient to support the conviction,
- e. the sentence imposed was in excess of the court's jurisdiction; or
- f there has been a significant change in the law, whether substantive or procedural, which is material to the conviction, sentence or other order entered in a criminal or civil proceeding instituted by the state or local government, and either (1) the legislature has expressly provided that the change in the law is to be applied retroactively, or (2) a court, in interpreting a change in the law that lacks such an express legislative intent, determines that sufficient reasons exist to require retroactive application of the changed legal standard

Defendant's Acknowledgment

I have read, or have had read to me, the foregoing statement, I understand the rights enumerated above and acknowledge my receipt of a copy of these rights

Date. _____

DOUGLAS DARREN PRESTA
Defendant

Defense Counsel's Certification

I certify, as Defendant's counsel of record, that Defendant has read, or has had read to him, and has acknowledged to me his understanding of, the foregoing statement

Date. _____

SCOTT STAAB, WSBA # 23287
Attorney for Defendant

Interpreter's Certification

I am certified, or have been found by the court to be qualified, as an interpreter in the _____ language, and I have interpreted the foregoing statement of rights and Defendant's acknowledgment into that language to Defendant. Defendant has acknowledged that he understands both the interpretation and the subject matter of this document. I certify, under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

Date _____

Interpreter