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FILED
STEVENS COUNTY SUPERIOR COURT

FEB 25 2014

PATRICIA A. CHESTER
SUPERIOR COURT CLERK

STATE OF WASHINGTON
STEVENS COUNTY SUPERIOR COURT

THE STATE OF WASHINGTON,

Plaintiff,

v.

REX NEWPORT,

Defendant.

NO. 13-1-00201-3

MOTION FOR ORDER TO
AMEND INFORMATION

I. IDENTITY OF MOVING PARTY

The moving party is the plaintiff, State of Washington.

II. RELIEF REQUESTED

The State requests that the court accept for filing an amended information. The amended information is part of plea agreement reached by the parties.

III. PLEA AGREEMENT

The amended information amends the charges to (1) residential burglary, (2) unlawful imprisonment with sexual motivation, (3) custodial sexual misconduct in the first degree, (4) making a false or misleading statement to a public servant, and (5) official misconduct. In short, the plea agreement reduces the burglary first degree with sexual motivation charge to residential burglary; deletes alleged firearm enhancements; and deletes one count of custodial sexual misconduct and one count of making false statements. The State's filing of the amended information is contingent upon the defendant pleading guilty to the amended

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1 information and stipulating to an offender score of "4" for the two sex offenses (unlawful
2 imprisonment w/ sexual motivation and custodial sexual misconduct).

3
4 **IV. ARGUMENT**

5 The court should accept the amended information for filing and the defendant's plea of
6 guilty to it. The State has explained the terms of the plea agreement to the two victims in this
7 case, [REDACTED].¹ The victims expressed no objections and are relieved they will not have
8 to testify. While the State feels it could present a strong case at trial, there are significant
9 evidentiary issues present that would make carrying the State's burden of proof difficult, to
10 include the allegation of sexual motivation for burglary. The plea of guilty removes the cost
11 and risk of a difficult criminal trial for the State. The defendant has no criminal history.

12 Although the amended information results in a more lenient sentencing range than the
13 original information, a plea of guilty to the amended charges still results in severe
14 consequences to the defendant. Defendant is a police officer. The proposed plea agreement
15 will result in (a) three felony convictions, (b) two convictions for sex offenses, (c) sex
16 offender registration, (d) loss of firearm rights, (e) loss of the defendant's police career,² and
17 (f) prison and community custody.

18 Most importantly to the State, the victims and other witnesses offered under ER 404(b)
19 were extremely fearful and reluctant to testify. The plea agreement will spare them the stress
20 and trauma of testifying in an open courtroom before the defendant. The court should allow
21 the amended information for this and the other reasons set forth above.

22 ////

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24 ////

25 ¹ As a convicted felon, the defendant will lose his right to bear a firearm and his Washington State peace
26 officer certification, which he must have to work as a full-time police officer, will be revoked. RCW
43.101.105(1)(c).

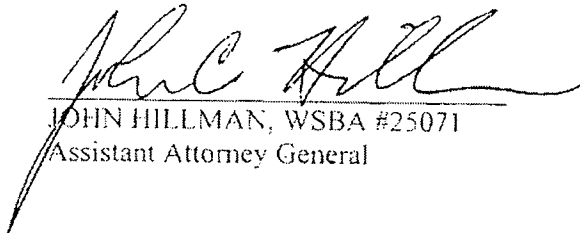
V. CONCLUSION

The court should allow the amended information and the defendant's plea of guilty to it. Should the court grant the State's motion, the State will ask to set-over sentencing to allow the Dept. of Corrections to complete a presentence investigation report as required for convictions for felony sex offenses.

DATED this 24th day of February, 2014.

ROBERT W. FERGUSON
Attorney General

By:


JOHN HILLMAN, WSBA #25071
Assistant Attorney General

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4/5/14

FILED
STEVENS COUNTY SUPERIOR COURT
FEB 25 2014
PATRICIA A. CHESTER
SUPERIOR COURT CLERK

STATE OF WASHINGTON
STEVENS COUNTY SUPERIOR COURT

THE STATE OF WASHINGTON,

Plaintiff,

v.

REX NEWPORT,

Defendant.

NO. 13-1-00201-3

[PROPOSED] ORDER ALLOWING
AMENDED INFORMATION

THIS MATTER having come before the court on the State's motion to amend the information for purposes of entry of a plea of guilty, according to the terms of a plea agreement reached by the parties and as contemplated by RCW 9.94A.421, and the court having considered the State's Motion to Amend Information, the representations of counsel, and the records and files herein,

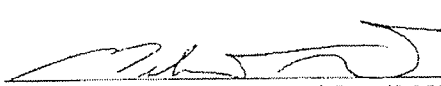
IT IS HEREBY ORDERED that the amended information is accepted for filing.

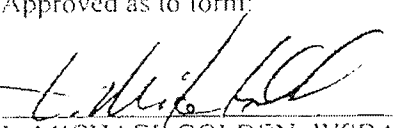
DATED this 25th day of February, 2014.


PAT MONASMITH, JUDGE

Presented by:

Approved as to form:


MELANIE TRATNIK, WSBA #25576
Assistant Attorney General


L. MICHAEL GOLDEN, WSBA #26128
Attorney for Defendant

[PROPOSED] ORDER ALLOWING
AMENDED INFORMATION

ATTORNEY GENERAL'S OFFICE
Criminal Justice Division
800 Fifth Avenue, Suite 2900
Seattle, WA 98104-3188
(206) 464-6450

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FILED
STEVENS COUNTY SUPERIOR COURT

FEB 25 2014

PATRICIA A. CHESTER
SUPERIOR COURT CLERK

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STATE OF WASHINGTON
STEVENS COUNTY SUPERIOR COURT

THE STATE OF WASHINGTON,

Plaintiff,

v.

REX NEWPORT,
DOB 03/14/1968

Defendant.

NO. 13-1-00201-3

AMENDED INFORMATION

Comes now Robert W. Ferguson, Attorney General of Washington, pursuant to RCW 43.10.232(1)(a) and as requested in writing by the Stevens County Prosecuting Attorney, and accuses the defendant, REX NEWPORT, as follows:

COUNT I—Residential Burglary

I, ROBERT W. FERGUSON, Attorney General of Washington, in the name and by the authority of the State of Washington, do accuse REX NEWPORT of the crime of residential burglary, committed as follows:

That the defendant, REX NEWPORT, on or about the 10th day of March, 2013, in the State of Washington, did unlawfully enter or remain in a dwelling other than a vehicle, with intent to commit a crime against a person or property therein, contrary to RCW 9A.52.025(1), and against the peace and dignity of the State of Washington.

Residential burglary is a class B felony and carries a maximum penalty of 10 years imprisonment and a fine of \$20,000. RCW 9A.52.025(2); RCW 9A.20.021(1)(b).

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1 **COUNT II—Unlawful Imprisonment With Sexual Motivation**

2 And I, ROBERT W. FERGUSON, Attorney General of Washington, in the name and
3 by the authority of the State of Washington, do accuse REX NEWPORT of the crime of
4 UNLAWFUL IMPRISONMENT, a crime of the same or similar character, and/or a crime
5 based on the same conduct or on a series of acts connected together or constituting parts of a
6 single scheme or plan, and/or so closely connected in respect to time, place and occasion that it
7 would be difficult to separate proof of one charge from proof of the others, committed as
8 follows:

9 That REX NEWPORT, in the State of Washington, on or about the 10th day of March,
10 2013, did unlawfully and knowingly restrain another person, to-wit: ██████ contrary to RCW
11 9A.40.040(1) and RCW 9A.40.010(1), and against the peace and dignity of the State of
12 Washington. The State further specially alleges that the defendant committed the crime of
13 unlawful imprisonment with sexual motivation, as provided in RCW 9.94A.835, thereby
14 invoking the provisions of RCW 9.94A.535(2)(f) and allowing for additional punishment
15 beyond the presumptive sentence.

16 Unlawful Imprisonment is a class C felony and carries a maximum penalty of FIVE
17 (5) years imprisonment and a fine of \$10,000. RCW 9A.40.040(2); 9A.20.021(1)(c).

18 **COUNT III—Custodial Sexual Misconduct in the First Degree**

19 And I, ROBERT W. FERGUSON, Attorney General of Washington, in the name and
20 by the authority of the State of Washington, do accuse REX NEWPORT of the crime of
21 CUSTODIAL SEXUAL MISCONDUCT IN THE FIRST DEGREE, a crime of the same or
22 similar character, and/or a crime based on the same conduct or on a series of acts connected
23 together or constituting parts of a single scheme or plan, and/or so closely connected in respect
24 to time, place and occasion that it would be difficult to separate proof of one charge from proof
25 of the others, committed as follows:

1 That REX NEWPORT, in the State of Washington, during the period of time from
2 May 9, 2012, through May 30, 2012, was a law enforcement officer and did unlawfully have
3 sexual intercourse with [REDACTED] a person who was detained, under arrest, or in the custody of the
4 defendant at the time of the sexual intercourse, contrary to RCW 9A.44.160(1)(b), and against
5 the peace and dignity of the State of Washington.

6 Custodial Sexual Misconduct in the First Degree is a class C felony and carries a
7 maximum penalty of FIVE (5) years imprisonment and a fine of \$10,000. RCW
8 9A.44.160(3); 9A.20.021(1)(c).

9 **COUNT IV—Making False/Misleading Statements to a Public Servant**

10 And I, ROBERT W. FERGUSON, Attorney General of Washington, in the name and
11 by the authority of the State of Washington, do accuse REX NEWPORT of the crime of
12 MAKING A FALSE OR MISLEADING STATEMENT TO A PUBLIC SERVANT, a crime
13 of the same or similar character, and/or a crime based on the same conduct or on a series of
14 acts connected together or constituting parts of a single scheme or plan, and/or so closely
15 connected in respect to time, place and occasion that it would be difficult to separate proof of
16 one charge from proof of the others, committed as follows:

17 That REX NEWPORT, in the State of Washington, on or about the 11th day of March,
18 2013, and the 6th day of August, 2013, did unlawfully and knowingly make a false or
19 misleading material statement to a public servant, contrary to RCW 9A.76.175, and against
20 the peace and dignity of the State of Washington.

21 Making a False or Misleading Statement to a Public Servant is a gross misdemeanor
22 and carries a maximum penalty of 364 days in jail and a fine of \$5,000. RCW 9A.76.175;
23 9A.20.021(2).

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COUNT V—Official Misconduct

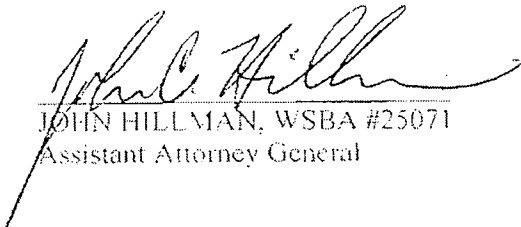
And I, ROBERT W. FERGUSON, Attorney General of Washington, in the name and by the authority of the State of Washington, do accuse REX NEWPORT of the crime of OFFICIAL MISCONDUCT, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That REX NEWPORT, in the State of Washington, during the period of time from October 31, 2012, through March 11, 2013, was a public servant and did unlawfully and with intent to obtain a benefit or to deprive another person of a lawful right or privilege, intentionally commit an unauthorized act under color of law, contrary to RCW 9A.80.010, and against the peace and dignity of the State of Washington.

Official Misconduct is a gross misdemeanor and carries a maximum penalty of not more than 364 days jail and a fine of \$5,000. RCW 9A.80.010(2) 110(5)(a); 9A.20.021(2).

DATED this 25th day of February, 2013

ROBERT W. FERGUSON
Attorney General

By: 
JOHN HILLMAN, WSBA #25071
Assistant Attorney General

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JTB
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FILED
STEVENS COUNTY SUPERIOR COURT

FEB 25 2014

PATRICIA A. CHESTER
SUPERIOR COURT CLERK

Superior Court of Washington
For Stevens County

State of Washington
vs.
REX NEWPORT

Plaintiff
Defendant

No. 13-1-00201-3

Statement of Defendant on Plea of
Guilty to Sex Offense
(Felony)
(STTDFG)

1. My true name is: Rex Alan Newport
2. My age is: 45.
3. The last level of education I completed was 12th GRADE
4. **I Have Been Informed and Fully Understand That:**
 - (a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
 - (b) I am charged with:
 - Count I: Residential Burglary.** The elements are: in the State of Washington, did unlawfully enter or remain in a dwelling other than a vehicle, with intent to commit a crime against a person or property therein.
 - Count II: Unlawful Imprisonment With Sexual Motivation.** The elements are: in the State of Washington, did unlawfully and knowingly restrain another person with sexual motivation.
 - Count III: Custodial Sexual Misconduct in the First Degree.** The elements are: in the State of Washington, was a law enforcement officer and did unlawfully have sexual intercourse with a person who was detained or in custody at the time of the intercourse.
 - Count IV: Making a False or Misleading Statement to a Public Servant.** The elements are: in the State of Washington, did unlawfully and knowingly make a false or misleading material statement to a public servant.

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Count V: Official Misconduct. The elements are: in the State of Washington, was a public servant and did unlawfully and with intent to obtain a benefit or to deprive another person of a lawful right or privilege, intentionally commit an unauthorized act under color of law.

5. **I Understand I Have the Following Important Rights, and I Give Them Up by Pleading Guilty:**

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

6. **In Considering the Consequences of My Guilty Plea, I Understand That:**

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	COMMUNITY CUSTODY	MAXIMUM TERM AND FINE
1	2	12- -14 months	N/A	N/A	10 year prison, \$20,000 fine
2	4	12- -16 months	SM	36 months	5 years prison, \$10,000 fine
3	4	22-29 months	N/A	36 months	5 years prison, \$10,000 fine
4	---	0-364 days jail	N/A	N/A	364 days jail, \$5,000 fine
5	---	0-364 days jail	N/A	N/A	364 days jail, \$5,000 fine

* The sentencing enhancement codes are: (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts: (F) Firearm, (D) Other deadly weapon, (SM) Sexual Motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (P16) Passenger(s) under age 16

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement.

Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment and any mandatory fines, fees, assessments, or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.
- (f) ~~For sex offenses committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is more than one year, the judge will order me to serve three years of community custody or up to the period of earned early release, whichever is longer. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.~~
- ~~For sex offenses committed on or after July 1, 2000 but prior to September 1, 2001: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for 36 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.~~
- ~~For sex offenses committed on or after September 1, 2001: (i) Sentencing under RCW 9A.04A.507: If this offense is any of the offenses listed in subsections (aa) or (bb) below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. During the period of community custody I will be under the supervision of the Department of Corrections and I will have restrictions and requirements placed upon me, which may include electronic monitoring, and I may be required to~~

participate in rehabilitative programs.

(aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old	Rape of a child in the second degree committed when I was at least 18 years old
Child molestation in the first degree committed when I was at least 18 years old	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Assault of a child in the second degree	Burglary in the first degree

(bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Assault of a child in the second degree	Burglary in the first degree

(ii) If this offense is a sex offense that is not listed in paragraph 6(1)(i), then in addition to sentencing me to a term of confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, or if my crime is failure to register as a sex offender, and this is my second or subsequent conviction of that crime, the judge will sentence me to community custody for 36 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, which may include electronic monitoring.

For sex offenses committed on or after March 20, 2006. For the following offenses and special allegations, the minimum term shall be either the maximum of the standard sentence range for the offense or 25 years, whichever is greater:

- 1) If the offense is rape of a child in the first degree, rape of a child in the second degree or child molestation in the first degree and the offense includes a special allegation that the offense was predatory;
- 2) If the offense is rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation and the offense includes special allegation that the victim of the offense was under 15 years of age at the time of the offense.

~~—3) If the offense is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation and this offense includes a special allegation that the victim of the offense was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult.~~

Community Custody Violation: If I violate the conditions of my community custody, the Department of Corrections may sanction me up to 60 days confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

- (g) The prosecuting attorney will make the following recommendation to the judge.
Confinement, concurrent on all counts—Count I: 14 months. Count II: 16 months. Count III: 22 months. Count IV: 364 days. Count V: 364 days. In addition to confinement, the State recommends: 36 months community custody (to include sex offender registration as required by law), no contact with [REDACTED] for 10 years, no contact with [REDACTED] for 5 years, restitution (if applicable), provide DNA sample, \$500 crime victim penalty assessment, \$200 criminal filing fee, \$100 DNA collection fee, recoupment for public defense.
 The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference
- (h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so (except as provided in paragraph 6(f)). I understand the following regarding exceptional sentences:
- (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.
 - (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.
 - (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.
 - (iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts
- If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a hearing, either the State or I can appeal the sentence
- (i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

- (j) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so is restored by the court in which I am convicted or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license.
- (k) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.
- (l) Government assistance may be suspended during any period of confinement.
- (m) I will be required to register where I reside, study or work. The specific registration requirements are described in the "Offender Registration" Attachment.
- (n) I will be required to have a biological sample collected for purposes of DNA identification analysis, unless it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense. I will be required to pay a \$100.00 DNA collection fee.
- (o) I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

Notification Relating to Specific Crimes: If any of the following paragraphs DO NOT APPLY, counsel and the defendant shall strike them out. The defendant and the judge shall initial all paragraphs that DO APPLY.

~~_____ (p) This offense is a most serious offense or "strike" as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (i) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (ii) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree, with a finding of sexual motivation, or (iii) any attempt to commit any of the offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.~~

~~_____ (q) **Special sex offender sentencing alternative:** In addition to other eligibility requirements under RCW 9.94A.670, to be eligible for the special sex offender sentencing alternative, I understand that I must voluntarily and affirmatively admit that I committed all of the elements of the crime(s) to which I am pleading guilty. I make my voluntary and affirmative admission in my statement in paragraph 11.~~

~~For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three~~

years, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

For offenses committed on or after September 1, 2001: The judge may suspend execution of the standard range term of confinement or the minimum term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6(f)(i), I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater. If the judge suspends execution of the minimum term of confinement for a sex offense listed in paragraph 6(f)(i), I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve up to 180 days of total confinement if I committed the crime prior to July 1, 2005, or up to 12 months with no early release if I committed the crime on or after July 1, 2005; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me, which may include electronic monitoring; and I will be subject to all of the conditions described in paragraph 6(c). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

____ (t) ~~If this is a crime of domestic violence, the court may order me to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.~~

RD (s) If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

____ (l) ~~I understand that RCW 46.20.285(d) requires that my driver's license be revoked if the judge finds I used a motor vehicle in the commission of this felony.~~

____ (u) ~~If I am pleading guilty to felony driving under the influence of intoxicating liquor, or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor, or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked, or denied. Following the period of suspension, revocation, or denial, I must comply with the Department of Licensing ignition interlock device requirements. In addition to any other costs of the ignition interlock device, I will be required to pay an additional fee of \$20 per month.~~

____ (v) ~~For the crimes of vehicular homicide committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.520 or for vehicular assault~~

committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)), or felony physical control under the influence (RCW 46.61.504(6)), the court shall add 12 months to the standard sentence range for each child passenger under the age of 16 who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

(w) For the crimes of felony driving under the influence of intoxicating liquor, or any drug, for vehicular homicide while under the influence of intoxicating liquor, or any drug, or vehicular assault while under the influence of intoxicating liquor, or any drug, the court may order me to reimburse reasonable emergency response costs up to \$2,500 per incident.

- _____ (x) The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. This law does not apply to crimes committed on or after July 24, 2005, by a juvenile who was tried as an adult after decline of juvenile court jurisdiction. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[p].
- _____ (y) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.
- _____ (z) I may be required to register as a felony firearm offender under RCW 9A1._____. The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.
- _____ (aa) The offense(s) I am pleading guilty to include a deadly weapon, firearm or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.
- _____ (bb) For crimes committed on or after July 22, 2007: If I am pleading guilty to rape of a child in the first, second, or third degree or child molestation in the first, second or third degree, and I engaged, agreed or offered to engage the victim in sexual intercourse or sexual contact for a fee, or if I attempted, solicited another, or conspired to engage, agree or offer to engage the victim in sexual intercourse or sexual contact for a fee, then a one-year enhancement shall be added to the standard sentence range. If I am pleading guilty to more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement.
- _____ (cc) If I am pleading guilty to patronizing a prostitute or commercial sexual abuse of a minor, a condition of my sentence will be that I not be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a minor. The court will impose crime-related geographical restrictions on me, unless the court finds they are not feasible. If this is my first offense, the court will order me to attend a program designed to educate me about the negative costs of prostitution.

7. I plead guilty to:

Count I: Residential Burglary; Count II: Unlawful Imprisonment With Sexual Motivation; Count III: Custodial Sexual Misconduct in the First Degree; Count IV: Making a False or Misleading Statement to a Public Servant; Count V: Official Misconduct

as charged in the Amended Information. I have received a copy of the Amended Information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement _____

ALFORD PLEA

Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

[Signature]
Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

[Signature]
Defendant's Lawyer

[Signature]
Prosecuting Attorney

Melanie Tratny 25576
Print Name WSBA No.

L. MICHAEL TOWN 26128
Print Name WSBA No.

The defendant signed the foregoing statement in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

Interpreter's Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret, in the _____ language, which the defendant understands. I have interpreted this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter Print Name

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: 2-25-14

[Signature]
Judge

Case Name: State v. Rex Newport

Cause No. 13-J-00201-3

"Offender Registration" Attachment sex offense, or kidnapping offense involving a minor as defined in RCW 9A.44.128. (If required, attach to Statement of Defendant on Plea of Guilty.)

1. General Applicability and Requirements. Because this crime involves a sex offense, or a kidnapping offense involving a minor as defined in RCW 9A.44.128, I will be required to register.

If I am a resident of Washington, I must register with the sheriff of the county of the state of Washington where I reside. I must register within three business days of being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has jurisdiction over me. I must also register within three business days of my release with the sheriff of the county of the state of Washington where I will be residing.

If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register within three business days of being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has jurisdiction over me. I must also register within three business days of my release with the sheriff of the county of my school, where I am employed, or where I carry on a vocation.

2. Offenders Who are New Residents or Returning Washington Residents: If I move to Washington or if I leave this state following my sentencing or release from custody but later move back to Washington, I must register within three business days after moving to this state. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within three business days after attending school in this state or becoming employed or carrying out a vocation in this state.

3. Change of Residence Within State: If I change my residence within a county, I must provide, by certified mail, with return receipt requested or in person, signed written notice of my change of residence to the sheriff within three business days of moving. If I change my residence to a new county within this state, I must register with the sheriff of the new county within three business days of moving. Also within three business days, I must provide, by certified mail, with return receipt requested or in person, signed written notice of my change of address to the sheriff of the county where I last registered.

4. Leaving the State or Moving to Another State: If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If I move out of state, I must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): I must give notice to the sheriff of the county where I am registered within three business days:

- i) before arriving at a school or institution of higher education to attend classes;
- ii) before starting work at an institution of higher education; or
- iii) After any termination of enrollment or employment at a school or institution of higher education.

6. Registration by a Person Who Does Not Have a Fixed Residence. Even if I do not have a fixed residence, I am required to register. Registration must occur within three business days of release in the county where I am being supervised if I do not have a residence at the time of my release from custody. Within three business days after losing my fixed residence, I must send signed written notice to the sheriff

of the county where I last registered. If I enter a different county and stay there for more than 24 hours, I will be required to register with the sheriff of the new county not more than three business days after entering the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I must keep an accurate accounting of where I stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

7. Application for a Name Change: If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within three business days of the entry of the order. RCW 9A.44.130(7).

Date: 2/25/14


Defendant's signature

JTB
1/9

FILED
STEVENS COUNTY SUPERIOR COURT
FEB 25 2014
PATRICIA A. CHESTER
SUPERIOR COURT CLERK

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STATE OF WASHINGTON
STEVENS COUNTY SUPERIOR COURT

THE STATE OF WASHINGTON,

Plaintiff,

v.

REX NEWPORT,

Defendant.

NO. 13-1-00201-3

ATTACHMENT TO STATEMENT OF
DEFENDANT ON PLEA OF GUILTY--
PROSECUTOR'S STATEMENT OF
CRIMINAL HISTORY

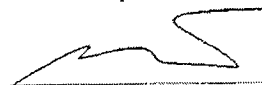
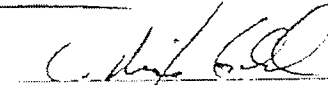

The State asserts that the defendant's criminal history and offender scoring are as follows. By signature below, the defendant and his counsel agree (a) that the plea agreement contemplates application of the burglary anti-merger statute for Counts I and II, and (b) the criminal history and offender scoring are correct.

CRIMINAL HISTORY: NONE

OFFENDER SCORING:

Count	Offense	Score	Range	Max.
I	Residential Burglary	2	12+-14 mo.	10 years
II	Unlawful Imprison w/ Sex	4	12+-16 mo. ¹	5 years
III	Custodial Sexual Misconduct 1 ²	4	22-29 mo.	5 years
IV	Making False Statements	---	0-364 days	364 days
V	Official Misconduct	---	0-364 days	364 days

Presented by: So stipulated:

  
JOHN HILLMAN, #25071 L. MICHAEL GOLDEN, #2168 REX NEWPORT
Assistant Attorney General Attorney for Defendant Defendant

¹ A finding of sexual motivation allows for departure from standard range, up to statutory max, if State filed notice of intention to seek exceptional sentence.

ATTACHMENT TO STATEMENT OF
DEFENDANT ON PLEA OF GUILTY--
PROSECUTOR'S STATEMENT OF
CRIMINAL HISTORY

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JTB
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3/5/14 Motion date is struck
4/7/14 Trial date is struck

FILED
STEVENS COUNTY SUPERIOR COURT
FEB 25 2014
PATRICIA A. CHESTER
SUPERIOR COURT CLERK

STATE OF WASHINGTON
STEVENS COUNTY SUPERIOR COURT

THE STATE OF WASHINGTON,
Plaintiff,
v.
REX NEWPORT,
Defendant.

NO 13-1-00201-3
ORDER FIXING TIME FOR SENTENCING
AND FOR PRE-SENTENCE REPORT

- On February 25, 2014, the defendant pled guilty to the crimes of Residential Burglary, Unlawful Imprisonment With Sexual Motivation, Custodial Sexual Misconduct in the First Degree, Making a False or Misleading Statement to a Public Servant, and Official Misconduct.
- Custody:
 - The defendant is in custody.
 - The defendant is out-of-custody and residing at: _____

IT IS ORDERED that all parties appear on April 1, 2014 (date) at 9AM (time) for SENTENCING HEARING.

IT IS FURTHER ORDERED that the Department of Corrections (DOC) shall prepare and present to the court, to the assistant attorney general, and to defense counsel a pre-sentence investigation report re: the defendant. The report shall be provided to the court and counsel at least 10 days prior to the sentencing hearing scheduled above.

If the defendant is in custody, an officer from the DOC will contact the defendant in the jail. If the defendant is out-of-custody, the defendant shall report immediately following today's hearing to the DOC office at 298 S. Main St. #202, Colville, WA (Telephone (509) 684-7400) to make necessary arrangements for the pre-sentence report.

DATED: February 25, 2014.

MELANIE TRATNIK, WSBA #25571
Assistant Attorney General
(206) 464-6430

JUDGE

L. MICHAEL GOLDEN, WSBA #26120
Attorney for Defendant

Defendant

cc: Dept. of Corrections

DOC

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