

FILED

JAN 02 2015

SKAMANA CO. DISTRICT COURT  
STEVENSON, WA

JAN 02 2015

JAN 02 2015

FILED  
Clark County District Court  
Dec 23, 2014

JAN 02 2015

CRIMINAL

TRAFFIC  NON-TRAFFIC LEA ORI#: **WAWSP0509** COURT ORI #: **WA006023J** CITATION #: **4Z1107051** REPORT #:

IN THE  DISTRICT  MUNICIPAL COURT OF **CLARK COUNTY DISTRICT COURT**  
 STATE OF WASHINGTON  COUNTY OF  CITY/TOWN OF \_\_\_\_\_, PLAINTIFF VS. NAMED DEFENDANT

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON  
DRIVER'S LICENSE NO. (SCANNED) **GASPEDA2148M** STATE **WA** EXPIRES **01-14-18** PHOTO I.D. MATCHED  YES  NO NAME LAST **GASPERINO** FIRST **DANIEL** MIDDLE **ANTHONY** SFX COL  YES  NO  
ADDRESS **4312 NE 118TH ST**  IF NEW ADDRESS CITY **VANCOUVER** STATE **WA** ZIP CODE **986865910**

EMPLOYER LOCATION  
DATE OF BIRTH **01-14-79** RACE **W** SEX **M** HEIGHT **6'01"** WEIGHT **205** EYES **BLU** HAIR **BLK** RESIDENTIAL PHONE NO. CELL/PAGER PHONE NO. **(509)994-6026** WORK PHONE NO.  
VIOLATION DATE **12/22/2014 02:38** ON OR ABOUT INTERPRETER NEEDED LANG. AT LOCATION **I-205 NB** REF. TRAFFICWAY M.P. **27.00** CITY/COUNTY OF **CLARK** BLOCK #

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND  
VEH LIC NO **ANM8110** STATE **WA** EXPIRES **08-30-15** VEH YR **2013** MAKE **BUICK** MODEL **REGAL** STYLE **4 DOOR EXT CAB PK** COLOR **BLACK**  
TR #1 LIC NO STATE EXPIRES TR YR TR #2 LIC NO STATE EXPIRES TR YR

OWNER/COMPANY IF OTHER THAN DRIVER **DANIEL A GASPERINO**  
ADDRESS **4312 NE 118TH ST** CITY **VANCOUVER** STATE **WA** ZIP CODE **98686**

ACCIDENT **NO** BAC COMMERCIAL VEHICLE  YES  NO 18+ PASS  YES  NO HAZMAT  YES  NO EXEMPT VEHICLE  FIRE LEA

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES  
1. VIOLATION/STATUTE CODE **46.61.502**  DV DUI **215**  
2. VIOLATION/STATUTE CODE  DV  
3. VIOLATION/STATUTE CODE  DV  
4. VIOLATION/STATUTE CODE  DV  
5. VIOLATION/STATUTE CODE  DV

MANDATORY COURT APPEARANCE APPEARANCE DATE **12-24-14** TIME **8:30 AM** RELATED # **2 OF 2** DATE ISSUED **12-22-14**

TICKET SERVED ON VIOLATOR  TICKET REFERRED TO PROSECUTOR  
 TICKET SENT TO COURT FOR MAILING  BOOKED  
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S), AND I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.  
OFFICER **T. S. GATES** # **558**  
OFFICER #

COMPLAINT CITATION ABSTRACT OF JUDGMENT	CHG #	RESPONSE	CHG	DISPOSITION	FINES	SUSPENDED	SUB-TOTAL	FINDING/JUDGMENT DATE	TO SERVE	
									W	DAYS SURF
1	G	NG		G NG D	\$	\$	\$	ABSTRACT MLD TO OLYMPIA	CREDIT TIME SVD. Y/N	
2	G	NG		G NG D	\$	\$	\$	LIC. SURR. DT		
3	G	NG		G NG D	\$	\$	\$			
4	G	NG		G NG D	\$	\$	\$	TOTAL COSTS	REC NONEXTENSION OF	
5	G	NG		G NG D	\$	\$	\$		SUSP Y/N	

CITATION # 4Z1107051 WSP CT

GASPERINO, DANIEL A 011479

**FILED**

**JAN 02 2015**

**SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA**

OFFICER REPORT

4Z1107051

VIOLATION DATE  
ON OR ABOUT: 12/22/2014 2:38:00 AM

See attached report/Affidavit

\*\*\*\*\*

Officer's Report for Citation/Notice of Infraction # 4Z1107050, 4Z1107051.  
The information contained in and attached to this citation/notice of infraction is incorporated by reference into this report.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.

Signature: T. S. GATES #: 558

Date and Place: 12/22/2014 City/Town of Vancouver, County of CLARK

\*\*\*\*\*

CITATION # 4Z1107051 WSP CT



GASPERINO, DANIEL A 011479

TRAFFIC	LIGHT	WEATHER	RAIN	STREET	WET	LIGHT	DARK
WITNESS NAME (LAST, FIRST, M.I.)		PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE	ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE	ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE	ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE	ZIP

**FILED**

**JAN 02 2015**

**SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA**

**FILED**

**DEC 29 2014**

**DISTRICT COURT  
CLARK COUNTY, WASH.**

**ARRESTING OFFICER'S DECLARATION OF PROBABLE CAUSE**

The undersigned law enforcement officer states that the person whose name appears on the attached Pre-book sheet, which is hereby incorporated by reference, was arrested without a warrant on the date and time shown thereon for the crimes committed in Clark County, Washington based on the following circumstances.

Defendant: Gasperino, Daniel A.

DOB: 01-14-1979

421107051 WSP

On December 22, 2014 at approximately 2:26 AM, I was working in Clark County, Washington, driving a dark blue unmarked Dodge Charger patrol vehicle with video camera and in full duty uniform. The weather was lightly raining off and on and the roadway was wet. I was traveling northbound on Interstate 205 from Airport way when I observed a lone vehicle traveling northbound that looked to be traveling at a high rate of speed. I checked the vehicle speed and observed it was at 62 in a posted 55 mph zone in Oregon I watched as the vehicle drifted to the left three times on the Oregon side and as the vehicle crossed the Washington State line it drifted to the left and touched the lane divider's twice and twice to the right. The second time it drifted to the right, it jerked the vehicle back to the left and I moved in to stop the vehicle. I noted there was no wind and thought the driver was messing with a cell phone. I quickly moved in behind the vehicle and activated my emergency lights to stop it for lane the travel. I observed the right turn signal come on when I moved in behind it. I attempted to get the vehicle stopped in the very large gore point at the exit to SR-14. The vehicle continued in the right lane, with its turn signal on and passed the large gore point and continued driving in the right lane. The vehicle started to pull to the shoulder, just south of the guardrail, and continued up to the concrete jersey wall and came to a stop. I called out the stop to Washington State Patrol communications and gave the plate as ANM8110.

I stepped out and as I walked between my patrol vehicle and the defendant's vehicle, I saw the brake lights go off and the vehicle start to roll back towards me. The brake lights came on again as the vehicle jerked to a stop and I stepped up to the passenger window and saw there was only one occupant sitting in the driver's seat. I greeted and identified myself to the driver and informed him he was being recorded and the reason for the stop and asked him what was going on. As I stuck my head to the window, I was immediately aware of a very strong and obnoxious odor of intoxicants coming from inside the vehicle. The driver slowly replied that he saw me behind him and he was watching me. I was aware the driver had not placed the vehicle in park and I asked him to do so. The driver slowly reached up then slowly placed the vehicle in park with a somewhat deliberate movement. I thanked him and asked him where he was coming from and he stated he had been hanging out with friends down in Portland. I noticed the driver's eyes were bloodshot, watery and droopy and his speech appeared slow and slurred. I asked him for his driver's license and registration and watched as he slowly reached for his left vest pocket and pull out several cards.

The driver slowly thumbed his way to a (WA.) driver's license and handed it to me as it identified him as Mr. Daniel A. Gasperino DOB: 01-14-79. Mr. Gasperino slowly reached for the glove box and pulled out a bundle of papers. He fumbled with the holder that the registration was in as I watched him pull the registration out and place his insurance over the registration, then the registration over his insurance as I told him I didn't need the insurance and gave that back to him. I verified he was still living at the same address and asked him to step out and up to the front for me.

I watched Mr. Gasperino step out and up to the front and as he stepped up to me he started to place his hands in his pockets. I asked him to please not put his hands in his pockets and to come stand over by me, to get him furthest away from traffic and he told me that he was a Clark County Prosecutor. He told me that he apologized for his "whole hands in the pockets thing". I asked him where he was coming from and he stated he was hanging out with his hockey buddies and I asked him how much he had to drink tonight and he told me two drinks. I asked him how long ago his last drink was and he told me about a half an hour ago and maybe 45 minutes ago. I positioned him away from my patrol vehicle and on the area I illuminated on the ground with my flashlight. I then asked Mr. Gasperino if he would

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STEVENSON, WA**

be willing to take a couple of voluntary standardized field sobriety tests (SFST's) and he stated he would and asked me if he could take his vest off. Thinking he was going to want to fight, I told him to leave the vest on and put him in the instruction stage. I asked him if he had any physical defects, he told me he had a couple of concussions. He stated his last one was about a month ago. He told me that he was really nervous and that he was sorry he didn't answer my question correctly. I explained that I understood that, but that he smelled of alcohol. I explained I needed to make sure he was okay to drive and he stated he understood. He stated he didn't have any further physical defects, was not taking any medication and that he did not have any correct lenses in. He asked a second time to take his vest off and I left him wearing it and went into the SFST's.

I administered the test according to my training and prior to each test I verbally instructed and demonstrated how the tests were to be performed. Prior to starting each test I asked Mr. Gasperino if he understood and each time he stated he understood.

Upon completion of the SFST's, I placed Mr. Gasperino in custody for DUI at approximately 2:37 AM and immediately advised him of his constitutional rights to which he stated he understood. I offered the PBT to Mr. Gasperino and he refused the PBT. I verified his prior arrest for DUI for the booking criteria and then escorted him back to my patrol vehicle and had him face my camera and asked him if he had anything on him that could be used to hurt me and he then told me that he had a firearm in his right side of his vest. I verified he said a firearm and asked him why he didn't let me know he had a firearm on him and he stated I never asked. I cleared the items from his left vest pocket and secured the two cards in his wallet and saw his badge and a concealed weapons permit card. I asked him about the card to which he verified he had a permit. Mr. Gasperino could not understand my concern and why I was shocked that he had a pistol on him during out entire contact and never knew about this. I secured the pistol from his right jacket pocket and a Kershaw folding knife from his right front pants pocket. I placed Mr. Gasperino in the right back seat and seatbelt. I secured his items and obtained his cell phone and phone charger and an ID card holder with ID from his vehicle. I asked for Trooper in charge S. Robley #1092 to contact me at the scene. I removed the rounds from the pistol and secured them in my patrol vehicle, along with the knife.

Trooper Robley arrived and I showed him what I had. He then informed our Lieutenant and stated he would handle the impound portion of Mr. Gasperino's vehicle to Ace Towing. I had Trooper Robley count out Mr. Gasperino's cash to which he also counted out \$30.00.

I cleared the scene and transported Mr. Gasperino to the Washington State Patrol Headquarters office for the BAC portion.

Upon arriving at the WSP office, Mr. Gasperino was removed from the back seat, and I noted the very strong and obnoxious odor of intoxicants coming from my back seat. We entered the BAC room and I removed the handcuffs. I then checked his mouth and started the 15-minute observation period. I then re-advised him of his constitutional rights to which he stated he understood and signed. I then asked him if he wanted me to get him in touch with an attorney and he asked to call his attorney. I asked for the phone number and he stated it was on his cell phone. I placed him back in handcuffs and escorted him back out to my patrol vehicle for his cell phone. We returned to the BAC room and I removed him from the handcuffs again and handed him his phone. He gave me the name of Jack Green and a number of 503-957-0219. He called Mr. Green four times and on the fourth time asked me if he could call someone else if Mr. Green did not answer. Mr. Green didn't answer and he asked if he could call Mr. Joseph Loughlin at 949-0269. I told him he could and after the first attempt, Mr. Loughlin did not answer. I then tried calling Mr. Loughlin from our State phone in the BAC room and Mr. Loughlin answered. I explained the circumstance and Mr. Loughlin asked to speak with Mr. Gasperino. I informed Mr. Loughlin I would hand Mr. Gasperino the phone and step out into the hall. I stepped out and had view of Mr. Gasperino's feet during their conversation. I caught up on some of the DUI packet report while Mr. Gasperino spoke with Mr. Loughlin. At approximately 3:25 AM, Mr. Gasperino told me

he was finished. I stepped back into the BAC room and Mr. Gasperino immediately asked if he could try calling Mr. Green again and stated he was fine with talking with Joe, but really wanted to speak with Mr. Green. At approximately 3:25 AM I got Mr. Green's answering machine again. I immediately re-checked Mr. Gasperino's mouth at approximately 3:26 AM, and re-started the 15-minute observation period. I noted that Mr. Gasperino didn't open his mouth as wide as he did during the first observation, but noted there was nothing visible. I then entered the time on the DUI packet and noticed I had been writing down the time from my wrist watch, which had not been adjusted to day-light savings time and was still and hour off. I corrected as many of the time errors as I could find on the report, noting that it was 3 AM, not 4 AM.

I then read Mr. Gasperino his "implied consent warnings for breath", to which he verbally stated he understood. He informed me that he remembers all of this from being trained by Trooper Taylor in his BAC class. He stated he's been through BAC class as well and knows all about this. I then had him sign and asked him if he would now submit to a breath test and he asked again if he could first try Mr. Green one more time. I then called the number again for Mr. Green, and again as each other call, set the phone to "speaker", and got Mr. Green's answering machine again. Mr. Gasperino thanked me and I asked him if he still understood his implied consent warnings for breath, or if he wanted me to re-read them to him and he stated he understood and didn't need me to re-read them. I asked him again if he would now submit to a breath test and he stated he would. I had him initial next to his response. I then chose not to ask Mr. Gasperino the questions from the DUI packet as he had spoken with Mr. Loughlin.

After the 15-minute observation period was satisfied, I entered Mr. Gasperino's information into the BAC Datamaster. I attempted to explain how the breath sample needed to be given and Mr. Gasperino stated again about his class with Trooper Taylor and how he understood and didn't need me to explain it. Mr. Gasperino entered two valid samples into the BAC Datamaster that were accepted, with results of .160 and .175 respectively. Upon completion, I had Mr. Gasperino verify his address and sign the 1st page of the DUI packet.

The undersigned declares and certifies under penalty of perjury under the laws of the State of Washington that the preceding statement is true and correct to the best of his knowledge.

Signed this December 23, 2014 at 0248 hours in Vancouver, Clark County, Washington.

T. S. GARDNER  
Printed name

[Signature]  
Signature

558  
PSN

The undersigned Judge/Magistrate/Commissioner hereby certifies that I have read or had read to me the above statement of probable cause to arrest and that I find probable cause to arrest is \_\_\_\_\_ established \_\_\_\_\_ not established (release defendant).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ in Vancouver, Clark County, Washington

Judge/Magistrate

Time: \_\_\_\_\_

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**SKAMANIA CO. DISTRICT COURT**  
**STEVENSON, WA**

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SKAMANIA COUNTY DISTRICT COURT  
STEVENSON, WA

INFRACTION

TRAFFIC  NON-TRAFFIC LEA: WAWSP0509 COURT ORI #: WA006023J INFRACTION #: 4Z1107050 REPORT #:

IN THE  DISTRICT  MUNICIPAL COURT OF CLARK COUNTY DISTRICT COURT  
 STATE OF WASHINGTON  COUNTY OF CITY/TOWN OF PLAINIFF VS. NAMED DEFENDANT

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON

DRIVER'S LICENSE NO. (SCANNED) GASPEDA214BM STATE WA EXPIRES 01-14-18 PHOTO I.D. MATCHED  YES  NO NAME: LAST GASPERINO FIRST DANIEL MIDDLE ANTHONY SFX CDL  YES  NO  
ADDRESS 4312 NE 118TH ST IF NEW ADDRESS PASSENGER CITY VANCOUVER STATE WA ZIP CODE 986865910

EMPLOYER LOCATION  
DATE OF BIRTH 01-14-79 RACE W SEX M HEIGHT 6'01" WEIGHT 205 EYES BLU HAIR BLK RESIDENTIAL PHONE NO. CELL/PAGER PHONE NO. (509)994-6026 WORK PHONE NO.  
VIOLATION DATE ON OR ABOUT 12/22/2014 02:38 INTERPRETER NEEDED LANG: AT LOCATION REF. TRAFFICWAY I-205 NB M.P. 27.00 BLOCK # CITY/COUNTY OF CLARK

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND

VEH LIC NO ANM8110 STATE WA EXPIRES 08-30-15 VEH YR 2013 MAKE BUICK MODEL REGAL STYLE 4 DOOR EXT CAB PK COLOR BLACK  
TR #1 LIC NO STATE EXPIRES TR YR TR #2 LIC NO STATE EXPIRES TR YR

OWNER/COMPANY IF OTHER THAN DRIVER DANIEL A GASPERINO CITY VANCOUVER STATE WA ZIP CODE 98686  
ADDRESS 4312 NE 118TH ST

ACCIDENT NO COMMERCIAL VEHICLE  YES  NO 18+ PASS  YES  NO HAZMAT  YES  NO EXEMPT VEHICLE  YES  NO FIRE LEA

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES

VEH SPEED	D/A	ZONE	SMD	PAGE	AIRCRAFT	PENALTY \$
1. VIOLATION/STATUTE CODE	46.61.140				IMPROPER LANE USAGE	124.00
2. VIOLATION/STATUTE CODE						
3. VIOLATION/STATUTE CODE						
4. VIOLATION/STATUTE CODE						
5. VIOLATION/STATUTE CODE						
TOTAL PENALTY \$						124.00

RELATED # 1 OF 2 DATE ISSUED 12-22-14

- TICKET SERVED ON VIOLATOR
- TICKET SENT TO COURT FOR MAILING
- TICKET REFERRED TO PROSECUTOR

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE. THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S), AND I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.  
OFFICER T. S. GATES # 558  
OFFICER #

INFRACTION ABSTRACT OF JUDGMENT	INF #	RESPONSE	DISPOSITION	PENALTY	SUSPENDED	SUB-TOTAL	FINDING/JUDGMENT DATE
	1	C NC	C NC (D) P DF	\$	\$	\$	1/22/15
	2	C NC	C NC D P DF	\$	\$	\$	ABSTRACT MLD TO OLYMPIA
	3	C NC	C NC D P DF	\$	\$	\$	
	4	C NC	C NC D P DF	\$	\$	\$	TOTAL COSTS
	5	C NC	C NC D P DF	\$	\$	\$	\$

INFRACTION # 4Z1107050 WSP IT

GASPERINO, DANIEL A 011479

See attached report/Affidavit

\*\*\*\*\*

Officer's Report for Citation/Notice of Infraction # 4Z1107050, 4Z1107051.  
The information contained in and attached to this citation/notice of infraction is incorporated by reference into this report.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.

Signature: T. S. GATES #: 558

Date and Place: 12/22/2014 City/Town of Vancouver, County of CLARK

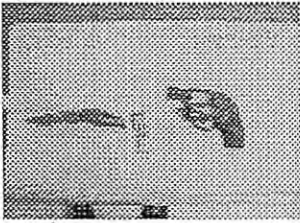
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INFRACTION # 4Z1107050 WSP IT



GASPERINO, DANIEL A 011479

TRAFFIC LIGHT	WEATHER RAIN		STREET WET		LIGHT	DARK
WITNESS NAME (LAST, FIRST, M.I.)	PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE   ZIP
WITNESS NAME (LAST, FIRST, M.I.)	PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE   ZIP
WITNESS NAME (LAST, FIRST, M.I.)	PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE   ZIP
WITNESS NAME (LAST, FIRST, M.I.)	PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE   ZIP







# PROPERTY/EVIDENCE REPORT

(CHECK ONLY ONE):

- EVIDENCE   
  SAFEKEEPING   
  FOUND   
  ASSET SEIZURE   
  WEAPONS FORFEITURE

OBTAINED BY (LAST, FIRST, MI) Gates, T. S.		BADGE # 558	DIST / DET / UNIT 05-09	CASE / PROPERTY NUMBER 14-023459-001			
<input checked="" type="checkbox"/> DEFENDANT <input type="checkbox"/> OWNER <input type="checkbox"/> FINDER		LOCATION OBTAINED (ADDRESS, STREET, HWY, MP) N/B I-205 MP 27					
NAME (LAST, FIRST, MI) Gasperino, Daniel A.		DATE OF BIRTH 01-14-79	<input checked="" type="checkbox"/> WACIC / NCIC CHECKED <input checked="" type="checkbox"/> ENTERED INTO COMPUTER <input type="checkbox"/> VIN NUMBER CHECKED <input type="checkbox"/> FOUND PROPERTY MSG. SENT		DATE OBTAINED 12-22-14		
STREET ADDRESS 4312 NE 118 <sup>th</sup> Street		HOME PHONE (509) 994-6026			TIME OBTAINED 0242		
CITY, STATE, ZIP CODE Vancouver, WA. 98686		WORK PHONE (    )	CITATION # 4Z1107051	COURT Clark	DATE DEPOSITED 12-22-14		
					TIME DEPOSITED 0555		
<input type="checkbox"/> ADDITIONAL DEFENDANT <input type="checkbox"/> OWNER		<input type="checkbox"/> ADDITIONAL DEFENDANT <input type="checkbox"/> OWNER					
NAME (LAST, FIRST, MI)		DATE OF BIRTH	NAME (LAST, FIRST, MI)		DATE OF BIRTH		
STREET ADDRESS		STREET ADDRESS					
CITY, STATE, ZIP CODE		CITY, STATE, ZIP CODE					
HOME PHONE (    )	WORK PHONE (    )	CITATION #	HOME PHONE (    )	WORK PHONE (    )	CITATION #		
<b>ITEM #</b>	<b>QTY</b>	<b>PROPERTY DESCRIPTION</b>	<small>LIST MANUFACTURER'S NAME, CALIBER, ARTICLE TYPE, MODEL #, SERIAL #, OWNER APPLIED, IF APPLICABLE</small>	<b>ITEM WEIGHT</b>	<b>PACKAGE WEIGHT</b>	<b>PKG. #</b>	<b>BIN #</b>
CB4895	1	Black Ruger LCR 357 pistol Ser.#546-19525					
RECEIVED BY: _____							
SIGNATURE OF PROPERTY CUSTODIAN		PERSONNEL #		DATE / TIME			
ADDITIONAL REMARKS		(READ REVERSE SIDE FOR FOUND PROPERTY)		DISPOSAL STATUS CHECK			
<input type="checkbox"/> Type of Drug		DATE	DISPOSITION	INITIALS			
<input type="checkbox"/> Disposal <input type="checkbox"/> Return to Owner/Claimant (For Property Technician Only)							
PEC Signature				Date			
Witness Signature				Date			
Note							

## FINDER'S RIGHTS AND OBLIGATIONS TO CLAIM FOUND PROPERTY (RCW 63.21)

\*A PERSON WHO FINDS PROPERTY HAS THE RIGHT TO CLAIM PROPERTY IF:

1. The property is not unlawful to possess (contraband).
2. The owner of such property is unknown.
3. The finder is not an employee of a governmental entity acting within course of employment.

TO CLAIM SUCH PROPERTY, THE FINDER MUST COMPLETE ALL OF THE FOLLOWING REQUIREMENTS:

1. Within seven days, the finder must surrender the property to the Washington State Patrol unless the property is valued at \$25 or less.
2. When the property has an apparent value of more than \$25, the finder must sign this form indicating an intent to claim or waive right to claim the property.
3. Within seven days of the finding, the finder must obtain a signed statement establishing an appraisal of the property based on current market value from a qualified person (one who engages in buying and selling like items), or from a district court judge, and forward a copy of such appraisal to the Washington State Patrol office listed above. If found property has been taken into custody by the Washington State Patrol, such property will be available for appraisal inspection at the office where the property is being stored (listed above), during business hours, or by appointment within the seven-day limit.
4. Within 30 days of the finding, the finder must publish a notice of the found property once a week for two consecutive weeks.
5. On property valued at more than \$25, payment of \$5 or 10% of the appraised value of such property (whichever is greater) must be made to the Washington State Patrol to be deposited in the General Fund of the state of Washington.

THE FOUND PROPERTY WILL BE RELEASED TO THE FINDER 60 DAYS FROM THE DATE OF RECEIPT IF:

1. No owner was found.
2. Sixty days have elapsed following judicial or official proceedings involving the property.
3. The finder has presented evidence of compliance with the publication requirement and the appropriate fee has been paid.

NOTE: WHEN NINETY DAYS HAVE PASSED AFTER THE FOUND PROPERTY WAS REPORTED TO THE WASHINGTON STATE PATROL AND THE FINDER HAS NOT COMPLETED THE REQUIREMENTS OF THE PROCEDURE, THE FINDER'S CLAIM SHALL BE DEEMED TO HAVE EXPIRED AND THE FOUND PROPERTY SHALL BE DISPOSED OF AS UNCLAIMED PROPERTY.

I HAVE READ THE FINDER'S RIGHTS AND OBLIGATIONS TO CLAIM FOUND PROPERTY AND IT IS MY INTENTION TO:

- CLAIM THIS PROPERTY     
  WAIVE MY RIGHT TO THIS PROPERTY     
  FINDER REFUSED TO SIGN

SIGNATURE OF FINDER

---

FOR EVIDENCE OFFICER USE ONLY			
RELEASE REQUIREMENTS	CLAIM VOID	APPRAISAL DETAILS	EVIDENCE HOLD
<input type="checkbox"/> APPRAISAL MADE  <input type="checkbox"/> PROOF OF PUBLICATION  <input type="checkbox"/> FEE PAID AMOUNT _____	<input type="checkbox"/> CONTRABAND  <input type="checkbox"/> OWNER FOUND  <input type="checkbox"/> GOV'T EMPLOYEE  <input type="checkbox"/> FAILED TO COMPLY WITH 90-DAY LIMIT	APPRAISED BY _____  QUALIFICATIONS _____  VALUE _____	HOLD PLACED BY _____  BADGE # _____  RELEASE DATE _____
PROPERTY LEFT WITH FINDER BY: _____		BADGE # _____	<input type="checkbox"/> FOR APPRAISAL PURPOSES <input type="checkbox"/> VALUE \$25 OR LESS



# REPORT OF INVESTIGATION DUI

Case # 14-023459-001
Citation # 4Z1107050 / 51

Officer's Name: T. S. GatesBadge No.: #558Video file name (if applicable): N205 27Video viewed by officer for this report:  YES  NO

Location N/B I-205 MP 27	Date 12-22-14	Time 2:37 AM
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Suspect*					
Name Gasperino, Daniel A.			DOB 01-14-79	Misc	
Address 4312 NE 118 <sup>th</sup> Street			Race White	Sex Male	
City Vancouver	State WA.	ZIP 98686	Height 6-01	Weight 195	
Home Phone (509) 994-6026	Alternate Phone ( )		Eyes Blue	Hair Brown	
License/St GASPEDA214BM / WA.			Expiration 2018		

Vehicle Information*						
License ANM8110	State WA.	Color Black	Year 2013	Make Buick	Model Regal	Style 4-DOOR
Registered Owner Same			Comments 12 HOUR DUI HOLD TO ACE TOWING			

### Officer's DUI Narrative

#### Authority, Certification, and Training

I have been employed with the Washington State Patrol since May of 1997, initially working as a Dispatcher from 1997 to 2001. I completed the Trooper Basic training at the Washington State Patrol Academy in Shelton, WA. in August of 2002 and I was commissioned as a Trooper and assigned to District Five in Vancouver, WA. I have approximately 13 years of road experience as a Washington State Patrol Trooper. While in the Academy, I received over 875 hours of classroom instruction and practical training in numerous categories. A portion of this training was in the detection and processing of subjects under the influence of intoxicants and controlled substances. This training also included the odor and recognition of some of these substances. Since graduation the Academy, I have successfully completed the ARIDE (Advanced Roadside Impaired Driver Enforcement) training in October of 2010. I also have training from the Washington State Patrol SHCAT (Serious Highway Crime Apprehension Team) in April of 2003. In my career I have over 639 DUI investigations with approximately 345 DUI arrests. I have attended multiple refresher DUI training classes and to date I have over 2,184 hours of training with the Washington State Patrol.

#### Vehicle in Motion (Initial Observations, Observation of Stop)

On December 22, 2014 at approximately 2:26 AM, I was working in Clark County, Washington, driving a dark blue unmarked Dodge Charger patrol vehicle with video camera and in full duty uniform. The weather was lightly raining off and on and the roadway was wet. I was traveling northbound on Interstate 205 from Airport way when I observed a lone vehicle traveling northbound that looked to be traveling at a high rate of speed. I checked the vehicle speed and observed it was at 62 in a posted 55 mph zone in Oregon I watched as the vehicle drifted to the left three times on the Oregon side and as the vehicle crossed the Washington State line it drifted to the left and touched the

\*Use the "Additional Persons and/or Vehicles" ROI, if applicable.



# REPORT OF INVESTIGATION DUI

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~~lane divider's twice and twice to the right. The second time it drifted to the right, it jerked the vehicle back to the left and I moved in to stop the vehicle. I noted there was no wind and thought the driver was messing with a cell phone. I quickly moved in behind the vehicle and activated my emergency lights to stop it for lane the travel. I observed the right turn signal come on when I moved in behind it. I attempted to get the vehicle stopped in the very large gore point at the exit to SR-14. The vehicle continued in the right lane, with its turn signal on and passed the large gore point and continued driving in the right lane. The vehicle started to pull to the shoulder, just south of the guardrail, and continued up to the concrete jersey wall and came to a stop. I called out the stop to Washington State Patrol communications and gave the plate as ANM8110.~~

Personal Contact (Observation of driver, statements, pre-exit, sobriety tests, observation of the exit, odors, general observations such as speech, attitude, clothing, etc.)

I stepped out and as I walked between my patrol vehicle and the defendant's vehicle, I saw the brake lights go off and the vehicle start to roll back towards me. The brake lights came on again as the vehicle jerked to a stop and I stepped up to the passenger window and saw there was only one occupant sitting in the driver's seat. I greeted and identified myself to the driver and informed him he was being recorded and the reason for the stop and asked him what was going on. As I stuck my head to the window, I was immediately aware of a very strong and obnoxious odor of intoxicants coming from inside the vehicle. The driver slowly replied that he saw me behind him and he was watching me. I was aware the driver had not placed the vehicle in park and I asked him to do so. The driver slowly reached up then slowly placed the vehicle in park with a somewhat deliberate movement. I thanked him and asked him where he was coming from and he stated he had been hanging out with friends down in Portland. I noticed the driver's eyes were bloodshot, watery and droopy and his speech appeared slow and slurred. I asked him for his driver's license and registration and watched as he slowly reached for his left vest pocket and pull out several cards.

The driver slowly thumbed his way to a (WA.) driver's license and handed it to me as it identified him as Mr. Daniel A. Gasperino DOB: 01-14-79. Mr. Gasperino slowly reached for the glove box and pulled out a bundle of papers. He fumbled with the holder that the registration was in as I watched him pull the registration out and place his insurance over the registration, then the registration over his insurance as I told him I didn't need the insurance and gave that back to him. I verified he was still living at the same address and asked him to step out and up to the front for me.

Pre-Arrest Screening (Field Sobriety Tests, Preliminary Breath Test)

I watched Mr. Gasperino step out and up to the front and as he stepped up to me he started to place his hands in his pockets. I asked him to please not put his hands in his pockets and to come stand over by me, to get him furthest away from traffic and he told me that he was a Clark County Prosecutor. He told me that he apologized for his "whole hands in the pockets thing". I asked him where he was coming from and he stated he was hanging out with his hockey buddies and I asked him how much he had to drink tonight and he told me two drinks. I asked him how long ago his last drink was and he told me about a half an hour ago and maybe 45 minutes ago. I positioned him away from my patrol vehicle and on the area I illuminated on the ground with my flashlight. I then asked Mr. Gasperino if he would be willing to take a couple of voluntary standardized field sobriety tests (SFST's) and he stated he would and asked me if he could take his vest off. Thinking he was



# REPORT OF INVESTIGATION DUI

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going to want to fight, I told him to leave the vest on and put him in the instruction stage. I asked him if he had any physical defects and he told me he has had a couple of concussions. He stated his last one was about a month ago. He told me that he was really nervous and that he was sorry he didn't answer my question correctly. I explained that I understood that, but that he smelled of alcohol. I explained I needed to make sure he was okay to drive and he stated he understood. He stated he didn't have any further physical defects, was not taking any medication and that he did not have any correct lenses in. He asked a second time to take his vest off and I left him wearing it and went into the SFST's.

I administered the test according to my training and prior to each test I verbally instructed and demonstrated how the tests were to be performed. Prior to starting each test I asked Mr. Gasperino if he understood and each time he stated he understood.

Arrest (Handcuffing, Searching, Constitutional Rights)

Upon completion of the SFST's, I placed Mr. Gasperino in custody for DUI at approximately 2:37 AM and immediately advised him of his constitutional rights to which he stated he understood. I offered the PBT to Mr. Gasperino and he refused the PBT. I verified his prior arrest for DUI for the booking criteria and then escorted him back to my patrol vehicle and had him face my camera and asked him if he had anything on him that could be used to hurt me and he then told me that he had a firearm in his right side of his vest. I verified he said a firearm and asked him why he didn't let me know he had a firearm on him and he stated I never asked. I cleared the items from his left vest pocket and secured the two cards in his wallet and saw his badge and a concealed weapons permit card. I asked him about the card to which he verified he had a permit. Mr. Gasperino could not understand my concern and why I was shocked that he had a pistol on him during out entire contact and never knew about this. I secured the pistol from his right jacket pocket and a Kershaw folding knife from his right front pants pocket. I placed Mr. Gasperino in the right back seat and seatbelt. I secured his items and obtained his cell phone and phone charger and an ID card holder with ID from his vehicle. I asked for Trooper in charge S. Robley #1092 to contact me at the scene. I removed the rounds from the pistol and secured them in my patrol vehicle, along with the knife.

Trooper Robley arrived and I showed him what I had. He then informed our Lieutenant and stated he would handle the impound portion of Mr. Gasperino's vehicle to Ace Towing. I had Trooper Robley count out Mr. Gasperino's cash to which he also counted out \$30.00.

I cleared the scene and transported Mr. Gasperino to the Washington State Patrol Headquarters office for the BAC portion.

Administrative Process (BAC and Disposition)

Upon arriving at the WSP office, Mr. Gasperino was removed from the back seat, and I noted the very strong and obnoxious odor of intoxicants coming from my back seat. We entered the BAC room and I removed the handcuffs. I then checked his mouth and started the 15-minute observation period. I then re-advised him of his constitutional rights to which he stated he understood and signed. I then asked him if he wanted me to get him in touch with an attorney and he asked to call his attorney. I asked for the phone number and he stated it was on his cell phone. I placed him back in handcuffs



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and escorted him back out to my patrol vehicle for his cell phone. We returned to the BAC room and removed him from the handcuffs again and handed him his phone. He gave me the name of Jack Green and a number of 503-957-0219. He called Mr. Green four times and on the fourth time asked me if he could call someone else if Mr. Green did not answer. Mr. Green didn't answer and he asked if he could call Mr. Joseph Loughlin at 949-0269. I told him he could and after the first attempt, Mr. Loughlin did not answer. I then tried calling Mr. Loughlin from our State phone in the BAC room and Mr. Loughlin answered. I explained the circumstance and Mr. Loughlin asked to speak with Mr. Gasperino. I informed Mr. Loughlin I would hand Mr. Gasperino the phone and step out into the hall. I stepped out and had view of Mr. Gasperino's feet during their conversation. I caught up on some of the DUI packet report while Mr. Gasperino spoke with Mr. Loughlin. At approximately 3:25 AM, Mr. Gasperino told me he was finished. I stepped back into the BAC room and Mr. Gasperino immediately asked if he could try calling Mr. Green again and stated he was fine with talking with Joe, but really wanted to speak with Mr. Green. At approximately 3:25 AM I got Mr. Green's answering machine again. I immediately re-checked Mr. Gasperino's mouth at approximately 3:26 AM, and re-started the 15-minute observation period. I noted that Mr. Gasperino didn't open his mouth as wide as he did during the first observation, but noted there was nothing visible. I then entered the time on the DUI packet and noticed I had been writing down the time from my wrist watch, which had not been adjusted to day-light savings time and was still and hour off. I corrected as many of the time errors as I could find on the report, noting that it was 3 AM, not 4 AM.

I then read Mr. Gasperino his "implied consent warnings for breath", to which he verbally stated he understood. He informed me that he remembers all of this from being trained by Trooper Taylor in his BAC class. He stated he's been through BAC class as well and knows all about this. I then had him sign and asked him if he would now submit to a breath test and he asked again if he could first try Mr. Green one more time. I then called the number again for Mr. Green, and again as each other call, set the phone to "speaker", and got Mr. Green's answering machine again. Mr. Gasperino thanked me and I asked him if he still understood his implied consent warnings for breath, or if he wanted me to re-read them to him and he stated he understood and didn't need me to re-read them. I asked him again if he would now submit to a breath test and he stated he would. I had him initial next to his response. I then chose not to ask Mr. Gasperino the questions from the DUI packet as he had spoken with Mr. Loughlin.

After the 15-minute observation period was satisfied, I entered Mr. Gasperino's information into the BAC Datamaster. I attempted to explain how the breath sample needed to be given and Mr. Gasperino stated again about his class with Trooper Taylor and how he understood and didn't need me to explain it. Mr. Gasperino entered two valid samples into the BAC Datamaster that were accepted, with results of .160 and .175 respectively. Upon completion, I had Mr. Gasperino verify his address and sign the 1<sup>st</sup> page of the DUI packet.

### Additional Observations and/or Comments

Upon completion of the BAC, Mr. Gasperino was transported out front to Vancouver Cab at his request. I cited him for improper lane usage and for DUI and set an arrangement date for Wednesday at his request. I had him count out his cash, to which he counted \$30.00. I returned his property and released him to the Cab. Prior to walking over to the Cab, Mr. Gasperino thanked me and told me over and over how sorry he was. He repeatedly told me this was his fault and thanked me for being so



# REPORT OF INVESTIGATION DUI

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respectful. He then asked me about his weapon and I explained it would be entered into our evidence system. I showed him the case number that was listed on his vehicle impound form and he thanked me and stepped into the Cab.

I then returned to the WSP office and entered a black Ruger LCR 357 pistol Ser. # 546-19525 into the WSP evidence system as forfeiture. The (5) 357 rounds and the black "Kershaw" were entered for safekeeping.

This report was started on 12-22-14 and completed on 12-23-14.

<i>I certify (or declare) under penalty of perjury under the laws of the State of Washington that this report is true and correct (RCW 9A.72.085):</i>				
Officer's Signature		Officer's Printed Name T. S. Gates		Badge # #558
Date Signed 12-23-2014		Place Signed Clark County		Reviewed by (Signature)**
Reviewed by (Printed Name)**		Badge #		Date Signed

\*\*Report is valid without review.



## WEAPON FORFEITURE REQUEST

*This information should be presented to the prosecutor prior to arraignment or other court proceedings pertaining to this case.*

COURT <b>Clark</b>	CITATION NUMBER 4Z1107051	CASE / EVIDENCE NUMBER 14-023459-001	
DEFENDANT (LAST, FIRST, MI) Gasperino, Daniel A.	D.O.B. 01-14-1979	TODAY'S DATE 12-22-2014	
<b>WEAPON DESCRIPTION</b>			
MAKE Ruger	MODEL LCR	SERIAL NUMBER 546-19525	CALIBER 357
I, TROOPER _____ T. S. Gates _____ PETITION THE COURT TO ORDER THE FORFEITURE OF THE FIREARM LISTED BELOW IN ACCORDANCE WITH RCW 9.41.098, SECTION _____ (e) _____. (SEE REVERSE) SEE ATTACHED CASE REPORT FOR DETAILS.  _____ TROOPER'S SIGNATURE _____ DATE 12-22-2014			
I, THE UNDERSIGNED JUDGE/COURT COMMISSIONER, ORDER THE WEAPON DESCRIBED ABOVE BE FORFEITED TO THE WASHINGTON STATE PATROL IN ACCORDANCE WITH RCW 9.41.098, SECTION _____  DONE IN OPEN COURT THIS _____ DAY OF _____, 20____.  _____ JUDGE / COURT COMMISSIONER			

**Refer to RCW 9.41.098 attached**



**RCW 9.41.098 Forfeiture of firearms-Disposition-Confiscation.** (1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) In the possession of a person prohibited from possessing the firearm under RCW 9.41.040 or 9.41.045;

(d) In the possession or under the control of a person at the time the person committed or was arrested for committing a felony or committing a nonfelony crime in which a firearm was used or displayed;

(e) In the possession of a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, as defined in chapter 46.61 RCW;

(f) In the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a felony or for a nonfelony crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) In the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Used in the commission of a felony or of a nonfelony crime in which a firearm was used or displayed.

(2) Upon order of forfeiture, the court in its discretion may order destruction of any forfeited firearm. A court may temporarily retain forfeited firearms needed for evidence.

(a) Except as provided in (b), (c), and (d) of this subsection, firearms that are: (i) Judicially forfeited and no longer needed for evidence; or (ii) forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010; may be disposed of in any manner determined by the local legislative authority. Any proceeds of an auction or trade may be retained by the legislative authority. This subsection (2)(a) applies only to firearms that come into the possession of the law enforcement agency after June 30, 1993.

By midnight, June 30, 1993, every law enforcement agency shall prepare an inventory, under oath, of every firearm that has been judicially forfeited, has been seized and may be subject to judicial forfeiture, or that has been, or may be, forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010.

(b) Except as provided in (c) of this subsection, of the inventoried firearms a law enforcement agency shall destroy illegal firearms, may retain a maximum of ten percent of legal forfeited firearms for agency use, and shall either:

(i) Comply with the provisions for the auction of firearms in RCW 9.41.098 that were in effect immediately preceding May 7, 1993; or

(ii) Trade, auction, or arrange for the auction of, rifles and shotguns. In addition, the law enforcement agency shall either trade, auction, or arrange for the auction of, short firearms, or shall pay a fee of twenty-five dollars to the state treasurer for every short firearm neither auctioned nor traded, to a maximum of fifty thousand dollars. The fees shall be accompanied by an inventory, under oath, of every short firearm listed in the inventory required by (a) of this subsection, that has been neither traded nor auctioned. The state treasurer shall credit the fees to the firearms range account established in RCW 79A.25.210. All trades or auctions of firearms under this subsection shall be to licensed dealers. Proceeds of any auction less costs, including actual costs of storage and sale, shall be forwarded to the firearms range account established in RCW 79A.25.210.

(c) Antique firearms and firearms recognized as curios, relics, and firearms of particular historical significance by the United States treasury department bureau of alcohol, tobacco, and firearms are exempt from destruction and shall be disposed of by auction or trade to licensed dealers.

(d) Firearms in the possession of the Washington state patrol on or after May 7, 1993, that are judicially forfeited and no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.35.020, must be disposed of as follows: (i) Firearms illegal for any person to possess must be destroyed; (ii) the Washington state patrol may retain a maximum of ten percent of legal firearms for agency use; and (iii) all other legal firearms must be auctioned or traded to licensed dealers. The Washington state patrol may retain any proceeds of an auction or trade.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section. [2003 c 39 § 5; 1996 c 295 § 10; 1994 sp.s. c 7 § 414; 1993 c 243 § 1; 1989 c 222 § 8; 1988 c 223 § 2. Prior: 1987 c 506 § 91; 1987 c 373 § 7; 1986 c 153 § 1; 1983 c 232 § 6.]

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ORIGINAL

FILED  
APR 21 2016  
SKAMANIA COUNTY DISTRICT COURT  
STEVENSON, WA

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SKAMANIA

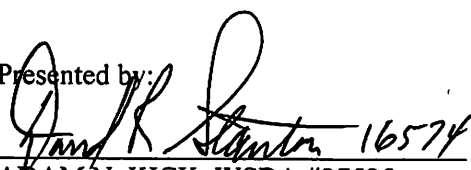
STATE OF WASHINGTON,	)	
	)	NO. 4Z1107051
Plaintiff,	)	
	)	ORDER TERMINATING
v.	)	PROBATION
	)	
DANIEL GASPERINO,	)	
	)	
Defendant.	)	

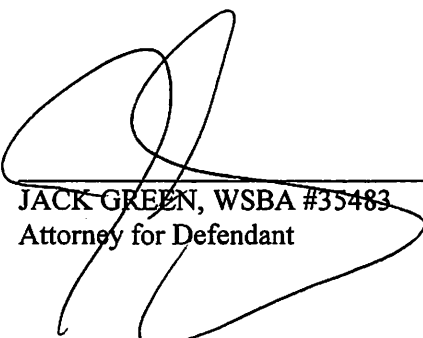
COMES NOW Defendant, by and through his attorney of record, Jack Green, and hereby moves the Court to terminate probation of the above-entitled case, and the Court having considered the records and files herein;

IT IS HEREBY ORDERED ADJUDGED AND DECREED that probation is terminated.  
All other conditions of sentence remain in effect.

DATED this 21 day of April, 2016.

  
JUDGE OF THE DISTRICT COURT

Presented by:  
  
ADAM N. KICK, WSBA #27525  
Appointed Prosecuting Attorney

  
JACK GREEN, WSBA #35483  
Attorney for Defendant

KAREN -

ENCLOSED IS CHECK # 2151

for \$53<sup>00</sup>/<sub>100</sub> for a copy of

cost files relating to Defendant

GASPERINO.

Thanks

NICK

FILED

JAN 02 2015

SKAMANA CO. DISTRICT COURT  
STEVENSON, WA

JAN 02 2015

JAN 02 2015

FILED  
Clark County District Court  
Dec 23, 2014

JAN 02 2015

CRIMINAL

TRAFFIC  NON-TRAFFIC LEA ORI#: WAWSP0509 COURT ORI#: WA006023J CITATION #: 4Z1107051 REPORT #:

IN THE  DISTRICT  MUNICIPAL COURT OF **CLARK COUNTY DISTRICT COURT**  
 STATE OF WASHINGTON  COUNTY OF  CITY/TOWN OF \_\_\_\_\_, PLAINTIFF VS. NAMED DEFENDANT

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON  
DRIVER'S LICENSE NO. (SCANNED) **GASPEDA214BM** STATE **WA** EXPIRES **01-14-18** PHOTO I.D. MATCHED  YES  NO NAME: LAST **GASPERINO** FIRST **DANIEL** MIDDLE **ANTHONY** SFX \_\_\_\_\_ COL  YES  NO  
ADDRESS **4312 NE 118TH ST**  IF NEW ADDRESS CITY **VANCOUVER** STATE **WA** ZIP CODE **986865910**

EMPLOYER \_\_\_\_\_ EMPLOYER LOCATION \_\_\_\_\_  
DATE OF BIRTH **01-14-79** RACE **W** SEX **M** HEIGHT **6'01"** WEIGHT **205** EYES **BLU** HAIR **BLK** RESIDENTIAL PHONE NO. \_\_\_\_\_ CELL/PAGER PHONE NO. **(509)994-6026** WORK PHONE NO. \_\_\_\_\_  
VIOLATION DATE **12/22/2014 02:38** ON OR ABOUT INTERPRETER NEEDED \_\_\_\_\_ AT LOCATION **I-205 NB** M.P. **27.00** CITY/COUNTY OF **CLARK**  
LANG. \_\_\_\_\_ REF. TRAFFICWAY \_\_\_\_\_

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND  
VEH LIC NO **ANM8110** STATE **WA** EXPIRES **08-30-15** VEH YR **2013** MAKE **BUICK** MODEL **REGAL** STYLE **4 DOOR EXT CAB PK** COLOR **BLACK**  
TR #1 LIC NO \_\_\_\_\_ STATE \_\_\_\_\_ EXPIRES \_\_\_\_\_ TR YR \_\_\_\_\_ TR #2 LIC NO \_\_\_\_\_ STATE \_\_\_\_\_ EXPIRES \_\_\_\_\_ TR YR \_\_\_\_\_

OWNER/COMPANY IF OTHER THAN DRIVER **DANIEL A GASPERINO**  
ADDRESS **4312 NE 118TH ST** CITY **VANCOUVER** STATE **WA** ZIP CODE **98686**

ACCIDENT **NO** BAC \_\_\_\_\_ COMMERCIAL VEHICLE  YES  NO 18+ PASS  YES  NO HAZMAT  YES  NO EXEMPT VEHICLE  YES  NO FIRE LEA \_\_\_\_\_

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES  
1. VIOLATION/STATUTE CODE **46.61.502**  DV  DUI **215**  
2. VIOLATION/STATUTE CODE  DV  
3. VIOLATION/STATUTE CODE  DV  
4. VIOLATION/STATUTE CODE  DV  
5. VIOLATION/STATUTE CODE  DV

MANDATORY COURT APPEARANCE APPEARANCE DATE **12-24-14** TIME **8:30 AM** RELATED # **2 OF 2** [DATE ISSUED **12-22-14**

TICKET SERVED ON VIOLATOR  TICKET REFERRED TO PROSECUTOR  
 TICKET SENT TO COURT FOR MAILING  BOOKED  
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S), AND I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.  
OFFICER **T. S. GATES** # **558**  
OFFICER #

COMPLAINT CITATION ABSTRACT OF JUDGMENT	CHG #	RESPONSE	CHG	DISPOSITION	FINES	SUSPENDED	SUB-TOTAL	FINDING/JUDGMENT DATE	TO SERVE	
									W	DAYS
1	G	NG		G NG D	\$	\$	\$			
2	G	NG		G NG D	\$	\$	\$	ABSTRACT MLD TO OLYMPIA		CREDIT TIME SAVED Y/N
3	G	NG		G NG D	\$	\$	\$			HC SURR. DT
4	G	NG		G NG D	\$	\$	\$	TOTAL COSTS		REC NONEXTENSION OF
5	G	NG		G NG D	\$	\$	\$			SUSP Y/N

CITATION # 4Z1107051 WSP CT

GASPERINO, DANIEL A 0114179

**FILED**

**JAN 02 2015**

**SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA**

OFFICER REPORT

4Z1107051

VIOLATION DATE  
ON OR ABOUT: 12/22/2014 2:38:00 AM

See attached report/Affidavit

\*\*\*\*\*

Officer's Report for Citation/Notice of Infraction # 4Z1107050, 4Z1107051.  
The information contained in and attached to this citation/notice of infraction is incorporated by reference into this report.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.

Signature: T. S. GATES # : 558

Date and Place: 12/22/2014 City/Town of Vancouver, County of CLARK

\*\*\*\*\*

TRAFFIC LIGHT	WEATHER RAIN	STREET WET	LIGHT DARK
WITNESS NAME (LAST, FIRST, M.I.)	PHONE	WITNESS NAME (LAST, FIRST, M.I.)	PHONE
ADDRESS	CITY STATE ZIP	ADDRESS	CITY STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)	PHONE	WITNESS NAME (LAST, FIRST, M.I.)	PHONE
ADDRESS	CITY STATE ZIP	ADDRESS	CITY STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)	PHONE	WITNESS NAME (LAST, FIRST, M.I.)	PHONE
ADDRESS	CITY STATE ZIP	ADDRESS	CITY STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)	PHONE	WITNESS NAME (LAST, FIRST, M.I.)	PHONE
ADDRESS	CITY STATE ZIP	ADDRESS	CITY STATE ZIP



**FILED**

**JAN 02 2015**

**SKAMAMIA CO. DISTRICT COURT  
STEVENSON, WA**

**ARRESTING OFFICER'S DECLARATION OF PROBABLE CAUSE**

The undersigned law enforcement officer states that the person whose name appears on the attached Pre-book sheet, which is hereby incorporated by reference, was arrested without a warrant on the date and time shown thereon for the crimes committed in Clark County, Washington based on the following circumstances.

**FILED**

**DEC 20 2014**

**DISTRICT COURT  
CLARK COUNTY, WASH.**

Defendant: Gasperino, Daniel A.

DOB: 01-14-1979

421107051 WSP

On December 22, 2014 at approximately 2:26 AM, I was working in Clark County, Washington, driving a dark blue unmarked Dodge Charger patrol vehicle with video camera and in full duty uniform. The weather was lightly raining off and on and the roadway was wet. I was traveling northbound on Interstate 205 from Airport way when I observed a lone vehicle traveling northbound that looked to be traveling at a high rate of speed. I checked the vehicle speed and observed it was at 62 in a posted 55 mph zone in Oregon I watched as the vehicle drifted to the left three times on the Oregon side and as the vehicle crossed the Washington State line it drifted to the left and touched the lane divider's twice and twice to the right. The second time it drifted to the right, it jerked the vehicle back to the left and I moved in to stop the vehicle. I noted there was no wind and thought the driver was messing with a cell phone. I quickly moved in behind the vehicle and activated my emergency lights to stop it for lane the travel. I observed the right turn signal come on when I moved in behind it. I attempted to get the vehicle stopped in the very large gore point at the exit to SR-14. The vehicle continued in the right lane, with its turn signal on and passed the large gore point and continued driving in the right lane. The vehicle started to pull to the shoulder, just south of the guardrail, and continued up to the concrete jersey wall and came to a stop. I called out the stop to Washington State Patrol communications and gave the plate as ANM8110.

I stepped out and as I walked between my patrol vehicle and the defendant's vehicle, I saw the brake lights go off and the vehicle start to roll back towards me. The brake lights came on again as the vehicle jerked to a stop and I stepped up to the passenger window and saw there was only one occupant sitting in the driver's seat. I greeted and identified myself to the driver and informed him he was being recorded and the reason for the stop and asked him what was going on. As I stuck my head to the window, I was immediately aware of a very strong and obnoxious odor of intoxicants coming from inside the vehicle. The driver slowly replied that he saw me behind him and he was watching me. I was aware the driver had not placed the vehicle in park and I asked him to do so. The driver slowly reached up then slowly placed the vehicle in park with a somewhat deliberate movement. I thanked him and asked him where he was coming from and he stated he had been hanging out with friends down in Portland. I noticed the driver's eyes were bloodshot, watery and droopy and his speech appeared slow and slurred. I asked him for his driver's license and registration and watched as he slowly reached for his left vest pocket and pull out several cards.

The driver slowly thumbed his way to a (WA.) driver's license and handed it to me as it identified him as Mr. Daniel A. Gasperino DOB: 01-14-79. Mr. Gasperino slowly reached for the glove box and pulled out a bundle of papers. He fumbled with the holder that the registration was in as I watched him pull the registration out and place his insurance over the registration, then the registration over his insurance as I told him I didn't need the insurance and gave that back to him. I verified he was still living at the same address and asked him to step out and up to the front for me.

I watched Mr. Gasperino step out and up to the front and as he stepped up to me he started to place his hands in his pockets. I asked him to please not put his hands in his pockets and to come stand over by me, to get him furthest away from traffic and he told me that he was a Clark County Prosecutor. He told me that he apologized for his "whole hands in the pockets thing". I asked him where he was coming from and he stated he was hanging out with his hockey buddies and I asked him how much he had to drink tonight and he told me two drinks. I asked him how long ago his last drink was and he told me about a half an hour ago and maybe 45 minutes ago. I positioned him away from my patrol vehicle and on the area I illuminated on the ground with my flashlight. I then asked Mr. Gasperino if he would

**FILED**

**JAN 02 2015**

**SKAMANA CO. DISTRICT COURT  
STEVENSON, WA**

be willing to take a couple of voluntary standardized field sobriety tests (SFST's) and he stated he would and asked me if he could take his vest off. Thinking he was going to want to fight, I told him to leave the vest on and put him in the instruction stage. I asked him if he had any physical defects, he told me he has had a couple of concussions. He stated his last one was about a month ago. He told me that he was really nervous and that he was sorry he didn't answer my question correctly. I explained that I understood that, but that he smelled of alcohol. I explained I needed to make sure he was okay to drive and he stated he understood. He stated he didn't have any further physical defects, was not taking any medication and that he did not have any correct lenses in. He asked a second time to take his vest off and I left him wearing it and went into the SFST's.

I administered the test according to my training and prior to each test I verbally instructed and demonstrated how the tests were to be performed. Prior to starting each test I asked Mr. Gasperino if he understood and each time he stated he understood.

Upon completion of the SFST's, I placed Mr. Gasperino in custody for DUI at approximately 2:37 AM and immediately advised him of his constitutional rights to which he stated he understood. I offered the PBT to Mr. Gasperino and he refused the PBT. I verified his prior arrest for DUI for the booking criteria and then escorted him back to my patrol vehicle and had him face my camera and asked him if he had anything on him that could be used to hurt me and he then told me that he had a firearm in his right side of his vest. I verified he said a firearm and asked him why he didn't let me know he had a firearm on him and he stated I never asked. I cleared the items from his left vest pocket and secured the two cards in his wallet and saw his badge and a concealed weapons permit card. I asked him about the card to which he verified he had a permit. Mr. Gasperino could not understand my concern and why I was shocked that he had a pistol on him during out entire contact and never knew about this. I secured the pistol from his right jacket pocket and a Kershaw folding knife from his right front pants pocket. I placed Mr. Gasperino in the right back seat and seatbelt. I secured his items and obtained his cell phone and phone charger and an ID card holder with ID from his vehicle. I asked for Trooper in charge S. Robley #1092 to contact me at the scene. I removed the rounds from the pistol and secured them in my patrol vehicle, along with the knife.

Trooper Robley arrived and I showed him what I had. He then informed our Lieutenant and stated he would handle the impound portion of Mr. Gasperino's vehicle to Ace Towing. I had Trooper Robley count out Mr. Gasperino's cash to which he also counted out \$30.00.

I cleared the scene and transported Mr. Gasperino to the Washington State Patrol Headquarters office for the BAC portion.

Upon arriving at the WSP office, Mr. Gasperino was removed from the back seat, and I noted the very strong and obnoxious odor of intoxicants coming from my back seat. We entered the BAC room and I removed the handcuffs. I then checked his mouth and started the 15-minute observation period. I then re-advised him of his constitutional rights to which he stated he understood and signed. I then asked him if he wanted me to get him in touch with an attorney and he asked to call his attorney. I asked for the phone number and he stated it was on his cell phone. I placed him back in handcuffs and escorted him back out to my patrol vehicle for his cell phone. We returned to the BAC room and I removed him from the handcuffs again and handed him his phone. He gave me the name of Jack Green and a number of 503-957-0219. He called Mr. Green four times and on the fourth time asked me if he could call someone else if Mr. Green did not answer. Mr. Green didn't answer and he asked if he could call Mr. Joseph Loughlin at 949-0269. I told him he could and after the first attempt, Mr. Loughlin did not answer. I then tried calling Mr. Loughlin from our State phone in the BAC room and Mr. Loughlin answered. I explained the circumstance and Mr. Loughlin asked to speak with Mr. Gasperino. I informed Mr. Loughlin I would hand Mr. Gasperino the phone and step out into the hall. I stepped out and had view of Mr. Gasperino's feet during their conversation. I caught up on some of the DUI packet report while Mr. Gasperino spoke with Mr. Loughlin. At approximately 3:25 AM, Mr. Gasperino told me

he was finished. I stepped back into the BAC room and Mr. Gasperino immediately asked if he could try calling Mr. Green again and stated he was fine with talking with Joe, but really wanted to speak with Mr. Green. At approximately 3:25 AM I got Mr. Green's answering machine again. I immediately re-checked Mr. Gasperino's mouth at approximately 3:26 AM, and re-started the 15-minute observation period. I noted that Mr. Gasperino didn't open his mouth as wide as he did during the first observation, but noted there was nothing visible. I then entered the time on the DUI packet and noticed I had been writing down the time from my wrist watch, which had not been adjusted to day-light savings time and was still and-hour off. I corrected as many of the time errors as I could find on the report, noting that it was 3 AM, not 4 AM.

I then read Mr. Gasperino his "implied consent warnings for breath", to which he verbally stated he understood. He informed me that he remembers all of this from being trained by Trooper Taylor in his BAC class. He stated he's been through BAC class as well and knows all about this. I then had him sign and asked him if he would now submit to a breath test and he asked again if he could first try Mr. Green one more time. I then called the number again for Mr. Green, and again as each other call, set the phone to "speaker", and got Mr. Green's answering machine again. Mr. Gasperino thanked me and I asked him if he still understood his implied consent warnings for breath, or if he wanted me to re-read them to him and he stated he understood and didn't need me to re-read them. I asked him again if he would now submit to a breath test and he stated he would. I had him initial next to his response. I then chose not to ask Mr. Gasperino the questions from the DUI packet as he had spoken with Mr. Loughlin.

After the 15-minute observation period was satisfied, I entered Mr. Gasperino's information into the BAC Datamaster. I attempted to explain how the breath sample needed to be given and Mr. Gasperino stated again about his class with Trooper Taylor and how he understood and didn't need me to explain it. Mr. Gasperino entered two valid samples into the BAC Datamaster that were accepted, with results of .160 and .175 respectively. Upon completion, I had Mr. Gasperino verify his address and sign the 1st page of the DUI packet.

The undersigned declares and certifies under penalty of perjury under the laws of the State of Washington that the preceding statement is true and correct to the best of his knowledge.

Signed this December 23, 2014 at 0248 hours in Vancouver, Clark County, Washington.

T.S. GARS  
Printed name

[Signature]  
Signature

558  
PSN

The undersigned Judge/Magistrate/Commissioner hereby certifies that I have read or had read to me the above statement of probable cause to arrest and that I find probable cause to arrest is \_\_\_\_\_ established \_\_\_\_\_ not established (release defendant).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ in Vancouver, Clark County, Washington

\_\_\_\_\_  
Judge/Magistrate

Time: \_\_\_\_\_

**FILED**

**JAN 02 2015**

**SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA**



FILED

JAN 02 2015

SKAMANIA COUNTY DISTRICT COURT  
STEVENSON, WA

INFRACTION

TRAFFIC  NON-TRAFFIC LEA: WAWSP0509 COURT ORI #: WA006023J INFRACTION #: 4Z1107050 REPORT #:

IN THE  DISTRICT  MUNICIPAL COURT OF CLARK COUNTY DISTRICT COURT  
 STATE OF WASHINGTON  COUNTY OF CITY/TOWN OF PLANTIFF VS. NAMED DEFENDANT

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON

DRIVER'S LICENSE NO. (SCANNED) GASPEDA214BM STATE WA EXPIRES 01-14-18 PHOTO I.D. MATCHED  YES  NO NAME: LAST GASPERINO FIRST DANIEL MIDDLE ANTHONY SFX CDL  YES  NO  
ADDRESS 4312 NE 118TH ST IF NEW ADDRESS PASSENGER CITY VANCOUVER STATE WA ZIP CODE 986865910

EMPLOYER EMPLOYER LOCATION DATE OF BIRTH 01-14-79 RACE W SEX M HEIGHT 6'01" WEIGHT 205 EYES BLU HAIR BLK RESIDENTIAL PHONE NO. CELL/PAGER PHONE NO. (509)994-6026 WORK PHONE NO.  
VIOLATION DATE ON OR ABOUT 12/22/2014 02:38 INTERPRETER NEEDED AT LOCATION REF. TRAFFICWAY I-205 NB M.P. 27.00 BLOCK # CITY/COUNTY OF CLARK

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND

VEH LIC NO ANM8110 STATE WA EXPIRES 08-30-15 VEH YR 2013 MAKE BUICK MODEL REGAL STYLE 4 DOOR EXT CAB PK COLOR BLACK  
TR #1 LIC NO STATE EXPIRES TR YR TR #2 LIC NO STATE EXPIRES TR YR

OWNER/COMPANY IF OTHER THAN DRIVER DANIEL A GASPERINO CITY VANCOUVER STATE WA ZIP CODE 98686  
ADDRESS 4312 NE 118TH ST 4312 NE 118TH ST

ACCIDENT NO COMMERCIAL VEHICLE  YES  NO 16+ PASS  YES  NO HAZMAT  YES  NO EXEMPT VEHICLE  YES  NO FIRE LEA

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES

VEH SPEED	IN A	ZONE	SMD	PAGE	AIRCRAFT	PENALTY \$
1. VIOLATION/STATUTE CODE	46.61.140				IMPROPER LANE USAGE	124.00
2. VIOLATION/STATUTE CODE						
3. VIOLATION/STATUTE CODE						
4. VIOLATION/STATUTE CODE						
5. VIOLATION/STATUTE CODE						
TOTAL PENALTY \$						124.00

RELATED # 1 OF 2 DATE ISSUED 12-22-14

- TICKET SERVED ON VIOLATOR
- TICKET SENT TO COURT FOR MAILING
- TICKET REFERRED TO PROSECUTOR

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S), AND I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.  
OFFICER T. S. GATES # 558  
OFFICER #

INFRACTION ABSTRACT OF JUDGMENT	INF #	RESPONSE	DISPOSITION	PENALTY	SUSPENDED	SUB-TOTAL	FINDING/JUDGMENT DATE
	1	C NC	C NC (D) P DF	\$	S	\$	1/22/15
	2	C NC	C NC D P DF	\$	S	\$	ABSTRACT MLD TO OLYMPIA
	3	C NC	C NC D P DF	\$	S	\$	
	4	C NC	C NC D P DF	\$	S	\$	
	5	C NC	C NC D P DF	\$	S	\$	TOTAL COSTS
						\$	

INFRACTION # 4Z1107050 WSP IT

GASPERINO, DANIEL A 011479

See attached report/Affidavit

\*\*\*\*\*

Officer's Report for Citation/Notice of Infraction # 4Z1107050, 4Z1107051.  
The information contained in and attached to this citation/notice of infraction is incorporated by reference into this report.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.

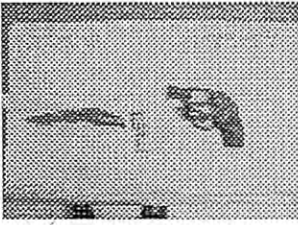
Signature: T. S. GATES #: 558

Date and Place: 12/22/2014 City/Town of Vancouver, County of CLARK

\*\*\*\*\*

INFRACTION # 4Z1107050 WSP IT  
[Barcode]

TRAFFIC LIGHT	WEATHER RAIN		STREET WET		LIGHT	DARK
WITNESS NAME (LAST, FIRST, M.I.)	PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE   ZIP
WITNESS NAME (LAST, FIRST, M.I.)	PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE   ZIP
WITNESS NAME (LAST, FIRST, M.I.)	PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE   ZIP
WITNESS NAME (LAST, FIRST, M.I.)	PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE   ZIP





# PROPERTY/EVIDENCE REPORT

(CHECK ONLY ONE):

- EVIDENCE
- SAFEKEEPING
- FOUND
- ASSET SEIZURE
- WEAPONS FORFEITURE

OBTAINED BY (LAST, FIRST, MI) Gates, T. S.		BADGE # 558	DIST / DET / UNIT 05-09	CASE / PROPERTY NUMBER 14-023459-001
<input checked="" type="checkbox"/> DEFENDANT <input type="checkbox"/> OWNER <input type="checkbox"/> FINDER		LOCATION OBTAINED (ADDRESS, STREET, HWY, MP) N/B I-205 MP 27		
NAME (LAST, FIRST, MI) Gasperino, Daniel A.	DATE OF BIRTH 01-14-79	<input checked="" type="checkbox"/> WACIC / NCIC CHECKED <input checked="" type="checkbox"/> ENTERED INTO COMPUTER <input type="checkbox"/> VIN NUMBER CHECKED <input type="checkbox"/> FOUND PROPERTY MSG. SENT		DATE OBTAINED 12-22-14
STREET ADDRESS 4312 NE 118 <sup>th</sup> Street	HOME PHONE (509) 994-6026			TIME OBTAINED 0242
CITY, STATE, ZIP CODE Vancouver, WA. 98686	WORK PHONE ( ) ( )	CITATION # 4Z1107051	COURT Clark	DATE DEPOSITED 12-22-14
				TIME DEPOSITED 0555

<input type="checkbox"/> ADDITIONAL DEFENDANT <input type="checkbox"/> OWNER		<input type="checkbox"/> ADDITIONAL DEFENDANT <input type="checkbox"/> OWNER	
NAME (LAST, FIRST, MI)	DATE OF BIRTH	NAME (LAST, FIRST, MI)	DATE OF BIRTH
STREET ADDRESS		STREET ADDRESS	
CITY, STATE, ZIP CODE		CITY, STATE, ZIP CODE	
HOME PHONE ( ) ( )	WORK PHONE ( ) ( )	CITATION #	
HOME PHONE ( ) ( )	WORK PHONE ( ) ( )	CITATION #	

ITEM #	QTY	PROPERTY DESCRIPTION	LIST MANUFACTURER'S NAME, CALIBER, ARTICLE TYPE, MODEL #, SERIAL #, OWNER APPLIED #, IF APPLICABLE	ITEM WEIGHT	PACKAGE WEIGHT	PKG #	BIN #
CB4895	1	Black Ruger LCR 357 pistol Ser.#546-19525					

RECEIVED BY: \_\_\_\_\_

SIGNATURE OF PROPERTY CUSTODIAN \_\_\_\_\_ PERSONNEL # \_\_\_\_\_ DATE / TIME \_\_\_\_\_

ADDITIONAL REMARKS <small>(READ REVERSE SIDE FOR FOUND PROPERTY)</small>	DISPOSAL STATUS CHECK		
	DATE	DISPOSITION	INITIALS
<input type="checkbox"/> Type of Drug			

Disposal     Return to Owner/Claimant (For Property Technician Only)

PEC Signature \_\_\_\_\_ Date \_\_\_\_\_

Witness Signature \_\_\_\_\_ Date \_\_\_\_\_

Note \_\_\_\_\_

## FINDER'S RIGHTS AND OBLIGATIONS TO CLAIM FOUND PROPERTY (RCW 63.21)

\*A PERSON WHO FINDS PROPERTY HAS THE RIGHT TO CLAIM PROPERTY IF:

1. The property is not unlawful to possess (contraband).
2. The owner of such property is unknown.
3. The finder is not an employee of a governmental entity acting within course of employment.

TO CLAIM SUCH PROPERTY, THE FINDER MUST COMPLETE ALL OF THE FOLLOWING REQUIREMENTS:

1. Within seven days, the finder must surrender the property to the Washington State Patrol unless the property is valued at \$25 or less.
2. When the property has an apparent value of more than \$25, the finder must sign this form indicating an intent to claim or waive right to claim the property.
3. Within seven days of the finding, the finder must obtain a signed statement establishing an appraisal of the property based on current market value from a qualified person (one who engages in buying and selling like items), or from a district court judge, and forward a copy of such appraisal to the Washington State Patrol office listed above. If found property has been taken into custody by the Washington State Patrol, such property will be available for appraisal inspection at the office where the property is being stored (listed above), during business hours, or by appointment within the seven-day limit.
4. Within 30 days of the finding, the finder must publish a notice of the found property once a week for two consecutive weeks.
5. On property valued at more than \$25, payment of \$5 or 10% of the appraised value of such property (whichever is greater) must be made to the Washington State Patrol to be deposited in the General Fund of the state of Washington.

THE FOUND PROPERTY WILL BE RELEASED TO THE FINDER 60 DAYS FROM THE DATE OF RECEIPT IF:

1. No owner was found.
2. Sixty days have elapsed following judicial or official proceedings involving the property.
3. The finder has presented evidence of compliance with the publication requirement and the appropriate fee has been paid.

NOTE: WHEN NINETY DAYS HAVE PASSED AFTER THE FOUND PROPERTY WAS REPORTED TO THE WASHINGTON STATE PATROL AND THE FINDER HAS NOT COMPLETED THE REQUIREMENTS OF THE PROCEDURE, THE FINDER'S CLAIM SHALL BE DEEMED TO HAVE EXPIRED AND THE FOUND PROPERTY SHALL BE DISPOSED OF AS UNCLAIMED PROPERTY.

I HAVE READ THE FINDER'S RIGHTS AND OBLIGATIONS TO CLAIM FOUND PROPERTY AND IT IS MY INTENTION TO:

- CLAIM THIS PROPERTY     
  WAIVE MY RIGHT TO THIS PROPERTY     
  FINDER REFUSED TO SIGN

SIGNATURE OF FINDER

---

FOR EVIDENCE OFFICER USE ONLY			
RELEASE REQUIREMENTS	CLAIM VOID	APPRAISAL DETAILS	EVIDENCE HOLD
<input type="checkbox"/> APPRAISAL MADE  <input type="checkbox"/> PROOF OF PUBLICATION  <input type="checkbox"/> FEE PAID AMOUNT _____	<input type="checkbox"/> CONTRABAND  <input type="checkbox"/> OWNER FOUND  <input type="checkbox"/> GOV'T EMPLOYEE  <input type="checkbox"/> FAILED TO COMPLY WITH 90-DAY LIMIT	APPRAISED BY _____  QUALIFICATIONS _____  VALUE _____	HOLD PLACED BY _____  BADGE # _____  RELEASE DATE _____
PROPERTY LEFT WITH FINDER BY: _____		BADGE # _____	<input type="checkbox"/> FOR APPRAISAL PURPOSES <input type="checkbox"/> VALUE \$25 OR LESS



# PROPERTY/EVIDENCE REPORT

(CHECK ONLY ONE):

- EVIDENCE   
  SAFEKEEPING   
  FOUND   
  ASSET SEIZURE   
  WEAPONS FORFEITURE

OBTAINED BY (LAST, FIRST, MI) Gates, T. S.	BADGE # 558	DIST / DET / UNIT 05-09	CASE / PROPERTY NUMBER 14-023459-001
---	----------------	----------------------------	---

<input checked="" type="checkbox"/> DEFENDANT <input type="checkbox"/> OWNER <input type="checkbox"/> FINDER	LOCATION OBTAINED (ADDRESS, STREET, HWY, MP) N/B I-205 MP 27
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NAME (LAST, FIRST, MI) Gasperino, Daniel A.	DATE OF BIRTH 01-14-79	<input checked="" type="checkbox"/> WACIC / NCIC CHECKED <input checked="" type="checkbox"/> ENTERED INTO COMPUTER <input type="checkbox"/> VIN NUMBER CHECKED <input type="checkbox"/> FOUND PROPERTY MSG. SENT	DATE OBTAINED 12-22-14
STREET ADDRESS 4312 NE 118th Street	HOME PHONE (509) 994-6026	CITATION # 4Z1107051	COURT Clark
CITY, STATE, ZIP CODE Vancouver, WA. 98686	WORK PHONE ( )		TIME OBTAINED 0242
			DATE DEPOSITED 12-22-14
			TIME DEPOSITED 0555

<input type="checkbox"/> ADDITIONAL DEFENDANT <input type="checkbox"/> OWNER	<input type="checkbox"/> ADDITIONAL DEFENDANT <input type="checkbox"/> OWNER
NAME (LAST, FIRST, MI)  STREET ADDRESS  CITY, STATE, ZIP CODE  HOME PHONE ( )            WORK PHONE ( )            CITATION #	NAME (LAST, FIRST, MI)  STREET ADDRESS  CITY, STATE, ZIP CODE  HOME PHONE ( )            WORK PHONE ( )            CITATION #

ITEM #	QTY.	PROPERTY DESCRIPTION	LIST MANUFACTURER'S NAME, CALIBER, ARTICLE TYPE, MODEL #, SERIAL #, OWNER APPLIED #, IF APPLICABLE	ITEM WEIGHT	PACKAGE WEIGHT	PKG. #	BIN #
CB4896	1	(5) 357 bullets, (1) black Kershaw speedsafe folding knife					
		Ser.#1550ST					

RECEIVED BY: \_\_\_\_\_

SIGNATURE OF PROPERTY CUSTODIAN: \_\_\_\_\_ PERSONNEL # \_\_\_\_\_ DATE / TIME \_\_\_\_\_

ADDITIONAL REMARKS (READ REVERSE SIDE FOR FOUND PROPERTY)	DISPOSAL STATUS CHECK		
	DATE	DISPOSITION	INITIALS
<input type="checkbox"/> Type of Drug			

Disposal   
  Return to Owner/Claimant (For Property Technician Only)

PEC Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Witness Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Note \_\_\_\_\_

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CLAIM THIS PROPERTY     
  WAIVE MY RIGHT TO THIS PROPERTY     
  FINDER REFUSED TO SIGN

SIGNATURE OF FINDER

---

FOR EVIDENCE OFFICER USE ONLY			
RELEASE REQUIREMENTS	CLAIM VOID	APPRAISAL DETAILS	EVIDENCE HOLD
<input type="checkbox"/> APPRAISAL MADE  <input type="checkbox"/> PROOF OF PUBLICATION  <input type="checkbox"/> FEE PAID AMOUNT _____	<input type="checkbox"/> CONTRABAND  <input type="checkbox"/> OWNER FOUND  <input type="checkbox"/> GOV'T EMPLOYEE  <input type="checkbox"/> FAILED TO COMPLY WITH 90-DAY LIMIT	APPRAISED BY _____  QUALIFICATIONS _____  VALUE _____	HOLD PLACED BY _____  BADGE # _____  RELEASE DATE _____
PROPERTY LEFT WITH FINDER BY: _____		BADGE # _____	<input type="checkbox"/> FOR APPRAISAL PURPOSES <input type="checkbox"/> VALUE \$25 OR LESS



# REPORT OF INVESTIGATION DUI

Case #	14-023459-001
Citation #	4Z1107050 / 51

Officer's Name: T. S. GatesBadge No.: #558Video file name (if applicable): N205 27Video viewed by officer for this report:  YES  NO

Location <b>N/B I-205 MP 27</b>		Date <b>12-22-14</b>	Time <b>2:37 AM</b>
<b>Suspect*</b>			
Name <b>Gasperino, Daniel A.</b>		DOB <b>01-14-79</b>	Misc
Address <b>4312 NE 118<sup>th</sup> Street</b>		Race <b>White</b>	Sex <b>Male</b>
City <b>Vancouver</b>	State <b>WA.</b>	ZIP <b>98686</b>	Height <b>6-01</b>
Home Phone <b>(509) 994-6026</b>	Alternate Phone <b>( )</b>	Eyes <b>Blue</b>	Weight <b>195</b>
License/St <b>GASPEDA214BM / WA.</b>		Expiration <b>2018</b>	
<b>Vehicle Information*</b>			
License <b>ANM8110</b>	State <b>WA.</b>	Color <b>Black</b>	Year <b>2013</b>
Registered Owner <b>Same</b>		Make <b>Buick</b>	Model <b>Regal</b>
		Style <b>4-DOOR</b>	Comments <b>12 HOUR DUI HOLD TO ACE TOWING</b>

## Officer's DUI Narrative

### Authority, Certification, and Training

I have been employed with the Washington State Patrol since May of 1997, initially working as a Dispatcher from 1997 to 2001. I completed the Trooper Basic training at the Washington State Patrol Academy in Shelton, WA. in August of 2002 and I was commissioned as a Trooper and assigned to District Five in Vancouver, WA. I have approximately 13 years of road experience as a Washington State Patrol Trooper. While in the Academy, I received over 875 hours of classroom instruction and practical training in numerous categories. A portion of this training was in the detection and processing of subjects under the influence of intoxicants and controlled substances. This training also included the odor and recognition of some of these substances. Since graduation the Academy, I have successfully completed the ARIDE (Advanced Roadside Impaired Driver Enforcement) training in October of 2010. I also have training from the Washington State Patrol SHCAT (Serious Highway Crime Apprehension Team) in April of 2003. In my career I have over 639 DUI investigations with approximately 345 DUI arrests. I have attended multiple refresher DUI training classes and to date I have over 2,184 hours of training with the Washington State Patrol.

### Vehicle in Motion (Initial Observations, Observation of Stop)

On December 22, 2014 at approximately 2:26 AM, I was working in Clark County, Washington, driving a dark blue unmarked Dodge Charger patrol vehicle with video camera and in full duty uniform. The weather was lightly raining off and on and the roadway was wet. I was traveling northbound on Interstate 205 from Airport way when I observed a lone vehicle traveling northbound that looked to be traveling at a high rate of speed. I checked the vehicle speed and observed it was at 62 in a posted 55 mph zone in Oregon I watched as the vehicle drifted to the left three times on the Oregon side and as the vehicle crossed the Washington State line it drifted to the left and touched the

\*Use the "Additional Persons and/or Vehicles" ROI, if applicable.





# REPORT OF INVESTIGATION DUI

Case #	FORMTEXT 14-023459-001
Citation #	FORMTEXT

Officer's Name: FORMTEXT T. S. Gates

Badge No.:

FORMTE

~~lane divider's twice and twice to the right. The second time it drifted to the right, it jerked the vehicle back to the left and I moved in to stop the vehicle. I noted there was no wind and thought the driver was messing with a cell phone. I quickly moved in behind the vehicle and activated my emergency lights to stop it for lane the travel. I observed the right turn signal come on when I moved in behind it. I attempted to get the vehicle stopped in the very large gore point at the exit to SR-14. The vehicle continued in the right lane, with its turn signal on and passed the large gore point and continued driving in the right lane. The vehicle started to pull to the shoulder, just south of the guardrail, and continued up to the concrete jersey wall and came to a stop. I called out the stop to Washington State Patrol communications and gave the plate as ANM8110.~~

Personal Contact (Observation of driver, statements, pre-exit, sobriety tests, observation of the exit, odors, general observations such as speech, attitude, clothing, etc.)

I stepped out and as I walked between my patrol vehicle and the defendant's vehicle, I saw the brake lights go off and the vehicle start to roll back towards me. The brake lights came on again as the vehicle jerked to a stop and I stepped up to the passenger window and saw there was only one occupant sitting in the driver's seat. I greeted and identified myself to the driver and informed him he was being recorded and the reason for the stop and asked him what was going on. As I stuck my head to the window, I was immediately aware of a very strong and obnoxious odor of intoxicants coming from inside the vehicle. The driver slowly replied that he saw me behind him and he was watching me. I was aware the driver had not placed the vehicle in park and I asked him to do so. The driver slowly reached up then slowly placed the vehicle in park with a somewhat deliberate movement. I thanked him and asked him where he was coming from and he stated he had been hanging out with friends down in Portland. I noticed the driver's eyes were bloodshot, watery and droopy and his speech appeared slow and slurred. I asked him for his driver's license and registration and watched as he slowly reached for his left vest pocket and pull out several cards.

The driver slowly thumbed his way to a (WA.) driver's license and handed it to me as it identified him as Mr. Daniel A. Gasperino DOB: 01-14-79. Mr. Gasperino slowly reached for the glove box and pulled out a bundle of papers. He fumbled with the holder that the registration was in as I watched him pull the registration out and place his insurance over the registration, then the registration over his insurance as I told him I didn't need the insurance and gave that back to him. I verified he was still living at the same address and asked him to step out and up to the front for me.

Pre-Arrest Screening (Field Sobriety Tests, Preliminary Breath Test)

I watched Mr. Gasperino step out and up to the front and as he stepped up to me he started to place his hands in his pockets. I asked him to please not put his hands in his pockets and to come stand over by me, to get him furthest away from traffic and he told me that he was a Clark County Prosecutor. He told me that he apologized for his "whole hands in the pockets thing". I asked him where he was coming from and he stated he was hanging out with his hockey buddies and I asked him how much he had to drink tonight and he told me two drinks. I asked him how long ago his last drink was and he told me about a half an hour ago and maybe 45 minutes ago. I positioned him away from my patrol vehicle and on the area I illuminated on the ground with my flashlight. I then asked Mr. Gasperino if he would be willing to take a couple of voluntary standardized field sobriety tests (SFST's) and he stated he would and asked me if he could take his vest off. Thinking he was



# REPORT OF INVESTIGATION DUI

Case #
FORMTEXT 14-023459-001
Citation #
FORMTEXT

Officer's Name: FORMTEXT T. S. Gates

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FORMTE

going to want to fight, I told him to leave the vest on and put him in the instruction stage. I asked him if he had any physical defects and he told me he has had a couple of concussions. He stated his last one was about a month ago. He told me that he was really nervous and that he was sorry he didn't answer my question correctly. I explained that I understood that, but that he smelled of alcohol. I explained I needed to make sure he was okay to drive and he stated he understood. He stated he didn't have any further physical defects, was not taking any medication and that he did not have any correct lenses in. He asked a second time to take his vest off and I left him wearing it and went into the SFST's.

I administered the test according to my training and prior to each test I verbally instructed and demonstrated how the tests were to be performed. Prior to starting each test I asked Mr. Gasperino if he understood and each time he stated he understood.

### Arrest (Handcuffing, Searching, Constitutional Rights)

Upon completion of the SFST's, I placed Mr. Gasperino in custody for DUI at approximately 2:37 AM and immediately advised him of his constitutional rights to which he stated he understood. I offered the PBT to Mr. Gasperino and he refused the PBT. I verified his prior arrest for DUI for the booking criteria and then escorted him back to my patrol vehicle and had him face my camera and asked him if he had anything on him that could be used to hurt me and he then told me that he had a firearm in his right side of his vest. I verified he said a firearm and asked him why he didn't let me know he had a firearm on him and he stated I never asked. I cleared the items from his left vest pocket and secured the two cards in his wallet and saw his badge and a concealed weapons permit card. I asked him about the card to which he verified he had a permit. Mr. Gasperino could not understand my concern and why I was shocked that he had a pistol on him during out entire contact and never knew about this. I secured the pistol from his right jacket pocket and a Kershaw folding knife from his right front pants pocket. I placed Mr. Gasperino in the right back seat and seatbelt. I secured his items and obtained his cell phone and phone charger and an ID card holder with ID from his vehicle. I asked for Trooper in charge S. Robley #1092 to contact me at the scene. I removed the rounds from the pistol and secured them in my patrol vehicle, along with the knife.

Trooper Robley arrived and I showed him what I had. He then informed our Lieutenant and stated he would handle the impound portion of Mr. Gasperino's vehicle to Ace Towing. I had Trooper Robley count out Mr. Gasperino's cash to which he also counted out \$30.00.

I cleared the scene and transported Mr. Gasperino to the Washington State Patrol Headquarters office for the BAC portion.

### Administrative Process (BAC and Disposition)

Upon arriving at the WSP office, Mr. Gasperino was removed from the back seat, and I noted the very strong and obnoxious odor of intoxicants coming from my back seat. We entered the BAC room and I removed the handcuffs. I then checked his mouth and started the 15-minute observation period. I then re-advised him of his constitutional rights to which he stated he understood and signed. I then asked him if he wanted me to get him in touch with an attorney and he asked to call his attorney. I asked for the phone number and he stated it was on his cell phone. I placed him back in handcuffs



# REPORT OF INVESTIGATION DUI

Case # FORMTEXT 14- 023459-001
Citation # FORMTEXT

Officer's Name: FORMTEXT T. S. Gates

Badge No.:

FORMTE

XT #558

and escorted him back out to my patrol vehicle for his cell phone. We returned to the BAC room and I removed him from the handcuffs again and handed him his phone. He gave me the name of Jack Green and a number of 503-957-0219. He called Mr. Green four times and on the fourth time asked me if he could call someone else if Mr. Green did not answer. Mr. Green didn't answer and he asked if he could call Mr. Joseph Loughlin at 949-0269. I told him he could and after the first attempt, Mr. Loughlin did not answer. I then tried calling Mr. Loughlin from our State phone in the BAC room and Mr. Loughlin answered. I explained the circumstance and Mr. Loughlin asked to speak with Mr. Gasperino. I informed Mr. Loughlin I would hand Mr. Gasperino the phone and step out into the hall. I stepped out and had view of Mr. Gasperino's feet during their conversation. I caught up on some of the DUI packet report while Mr. Gasperino spoke with Mr. Loughlin. At approximately 3:25 AM, Mr. Gasperino told me he was finished. I stepped back into the BAC room and Mr. Gasperino immediately asked if he could try calling Mr. Green again and stated he was fine with talking with Joe, but really wanted to speak with Mr. Green. At approximately 3:25 AM I got Mr. Green's answering machine again. I immediately re-checked Mr. Gasperino's mouth at approximately 3:26 AM, and re-started the 15-minute observation period. I noted that Mr. Gasperino didn't open his mouth as wide as he did during the first observation, but noted there was nothing visible. I then entered the time on the DUI packet and noticed I had been writing down the time from my wrist watch, which had not been adjusted to day-light savings time and was still and hour off. I corrected as many of the time errors as I could find on the report, noting that it was 3 AM, not 4 AM.

I then read Mr. Gasperino his "implied consent warnings for breath", to which he verbally stated he understood. He informed me that he remembers all of this from being trained by Trooper Taylor in his BAC class. He stated he's been through BAC class as well and knows all about this. I then had him sign and asked him if he would now submit to a breath test and he asked again if he could first try Mr. Green one more time. I then called the number again for Mr. Green, and again as each other call, set the phone to "speaker", and got Mr. Green's answering machine again. Mr. Gasperino thanked me and I asked him if he still understood his implied consent warnings for breath, or if he wanted me to re-read them to him and he stated he understood and didn't need me to re-read them. I asked him again if he would now submit to a breath test and he stated he would. I had him initial next to his response. I then chose not to ask Mr. Gasperino the questions from the DUI packet as he had spoken with Mr. Loughlin.

After the 15-minute observation period was satisfied, I entered Mr. Gasperino's information into the BAC Datamaster. I attempted to explain how the breath sample needed to be given and Mr. Gasperino stated again about his class with Trooper Taylor and how he understood and didn't need me to explain it. Mr. Gasperino entered two valid samples into the BAC Datamaster that were accepted, with results of .160 and .175 respectively. Upon completion, I had Mr. Gasperino verify his address and sign the 1<sup>st</sup> page of the DUI packet.

### Additional Observations and/or Comments

Upon completion of the BAC, Mr. Gasperino was transported out front to Vancouver Cab at his request. I cited him for improper lane usage and for DUI and set an arrangement date for Wednesday at his request. I had him count out his cash, to which he counted \$30.00. I returned his property and released him to the Cab. Prior to walking over to the Cab, Mr. Gasperino thanked me and told me over and over how sorry he was. He repeatedly told me this was his fault and thanked me for being so



# REPORT OF INVESTIGATION DUI

Case # FORMTEXT 14- 023459-001
Citation # FORMTEXT

Officer's Name: FORMTEXT T. S. Gates

Badge No.:

FORMTE

XT #558

respectful. He then asked me about his weapon and I explained it would be entered into our evidence system. I showed him the case number that was listed on his vehicle impound form and he thanked me and stepped into the Cab.

I then returned to the WSP office and entered a black Ruger LCR 357 pistol Ser. # 546-19525 into the WSP evidence system as forfeiture. The (5) 357 rounds and the black "Kershaw" were entered for safekeeping.

This report was started on 12-22-14 and completed on 12-23-14.

<i>I certify (or declare) under penalty of perjury under the laws of the State of Washington that this report is true and correct (RCW 9A.72.085):</i>				
Officer's Signature		Officer's Printed Name T. S. Gates		Badge # #558
Date Signed 12-23-2014		Place Signed Clark County		Reviewed by (Signature)**
Reviewed by (Printed Name)**		Reviewed by (Signature)**		Date Signed

\*\*Report is valid without review.



## WEAPON FORFEITURE REQUEST

This information should be presented to the prosecutor prior to arraignment or other court proceedings pertaining to this case.

COURT <b>Clark</b>	CITATION NUMBER 4Z1107051	CASE / EVIDENCE NUMBER 14-023459-001	
DEFENDANT (LAST, FIRST, MI) Gasperino, Daniel A.	D.O.B. 01-14-1979	TODAY'S DATE 12-22-2014	
<b>WEAPON DESCRIPTION</b>			
MAKE Ruger	MODEL LCR	SERIAL NUMBER 546-19525	CALIBER 357
I, TROOPER _____ T. S. Gates _____ PETITION THE COURT TO ORDER THE FORFEITURE OF THE FIREARM LISTED BELOW IN ACCORDANCE WITH RCW 9.41.098, SECTION _____ (e) _____. (SEE REVERSE) SEE ATTACHED CASE REPORT FOR DETAILS.			
_____ TROOPER'S SIGNATURE			12-22-2014 DATE
I, THE UNDERSIGNED JUDGE/COURT COMMISSIONER, ORDER THE WEAPON DESCRIBED ABOVE BE FORFEITED TO THE WASHINGTON STATE PATROL IN ACCORDANCE WITH RCW 9.41.098, SECTION _____.			
DONE IN OPEN COURT THIS _____ DAY OF _____, 20____.			
_____ JUDGE / COURT COMMISSIONER			

**Refer to RCW 9.41.098 attached**

**RCW 9.41.098 Forfeiture of firearms-Disposition-Confiscation.** (1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) In the possession of a person prohibited from possessing the firearm under RCW 9.41.040 or 9.41.045;

(d) In the possession or under the control of a person at the time the person committed or was arrested for committing a felony or committing a nonfelony crime in which a firearm was used or displayed;

(e) In the possession of a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, as defined in chapter 46.61 RCW;

(f) In the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a felony or for a nonfelony crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) In the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Used in the commission of a felony or of a nonfelony crime in which a firearm was used or displayed.

(2) Upon order of forfeiture, the court in its discretion may order destruction of any forfeited firearm. A court may temporarily retain forfeited firearms needed for evidence.

(a) Except as provided in (b), (c), and (d) of this subsection, firearms that are: (i) Judicially forfeited and no longer needed for evidence; or (ii) forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010; may be disposed of in any manner determined by the local legislative authority. Any proceeds of an auction or trade may be retained by the legislative authority. This subsection (2)(a) applies only to firearms that come into the possession of the law enforcement agency after June 30, 1993.

By midnight, June 30, 1993, every law enforcement agency shall prepare an inventory, under oath, of every firearm that has been judicially forfeited, has been seized and may be subject to judicial forfeiture, or that has been, or may be, forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010.

(b) Except as provided in (c) of this subsection, of the inventoried firearms a law enforcement agency shall destroy illegal firearms, may retain a maximum of ten percent of legal forfeited firearms for agency use, and shall either:

(i) Comply with the provisions for the auction of firearms in RCW 9.41.098 that were in effect immediately preceding May 7, 1993; or

(ii) Trade, auction, or arrange for the auction of, rifles and shotguns. In addition, the law enforcement agency shall either trade, auction, or arrange for the auction of, short firearms, or shall pay a fee of twenty-five dollars to the state treasurer for every short firearm neither auctioned nor traded, to a maximum of fifty thousand dollars. The fees shall be accompanied by an inventory, under oath, of every short firearm listed in the inventory required by (a) of this subsection, that has been neither traded nor auctioned. The state treasurer shall credit the fees to the firearms range account established in RCW 79A.25.210. All trades or auctions of firearms under this subsection shall be to licensed dealers. Proceeds of any auction less costs, including actual costs of storage and sale, shall be forwarded to the firearms range account established in RCW 79A.25.210.

(c) Antique firearms and firearms recognized as curios, relics, and firearms of particular historical significance by the United States treasury department bureau of alcohol, tobacco, and firearms are exempt from destruction and shall be disposed of by auction or trade to licensed dealers.

(d) Firearms in the possession of the Washington state patrol on or after May 7, 1993, that are judicially forfeited and no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.35.020, must be disposed of as follows: (i) Firearms illegal for any person to possess must be destroyed; (ii) the Washington state patrol may retain a maximum of ten percent of legal firearms for agency use; and (iii) all other legal firearms must be auctioned or traded to licensed dealers. The Washington state patrol may retain any proceeds of an auction or trade.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section. [2003 c 39 § 5; 1996 c 295 § 10; 1994 sp.s. c 7 § 414; 1993 c 243 § 1; 1989 c 222 § 8; 1988 c 223 § 2. Prior: 1987 c 506 § 91; 1987 c 373 § 7; 1986 c 153 § 1; 1983 c 232 § 6.]

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ORIGINAL

FILED  
APR 21 2016  
SKAMANIA COUNTY DISTRICT COURT  
STEVENSON, WA

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SKAMANIA

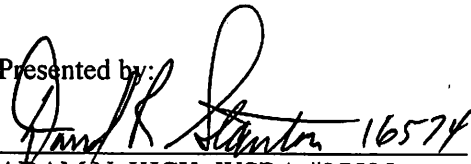
STATE OF WASHINGTON,	)	
	)	NO. 4Z1107051
Plaintiff,	)	
	)	ORDER TERMINATING
v.	)	PROBATION
	)	
DANIEL GASPERINO,	)	
	)	
Defendant.	)	

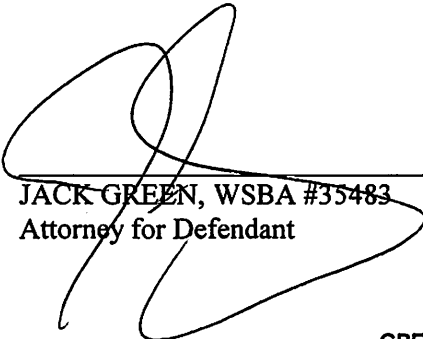
COMES NOW Defendant, by and through his attorney of record, Jack Green, and hereby moves the Court to terminate probation of the above-entitled case, and the Court having considered the records and files herein;

IT IS HEREBY ORDERED ADJUDGED AND DECREED that probation is terminated.  
All other conditions of sentence remain in effect.

DATED this 21 day of April, 2016.

  
\_\_\_\_\_  
JUDGE OF THE DISTRICT COURT

Presented by:  
  
\_\_\_\_\_  
ADAM N. KICK, WSBA #27525  
Appointed Prosecuting Attorney

  
\_\_\_\_\_  
JACK GREEN, WSBA #35483  
Attorney for Defendant

Skamania County District Court

State of Washington

RE: STATE OF WASHINGTON  
CITY OF COUNTY OF SKAMANIA  
March 22, 2016

240 N.W. VANCOUVER AVE.  
P.O. BOX 790  
STEVENSON, WASHINGTON 98648  
(509) 427-3780

vs.  
GASPERINO, DANIEL ANTHONY

Cause No. 4Z1107051 WSP CT

Violation Date: 12/22/2014

Violation:  
DUI

GASPERINO, DANIEL ANTHONY  
4312 NE 118TH ST  
VANCOUVER WA 98686

NOTICE OF CASE SETTING

THE ABOVE CAUSE HAS BEEN SET FOR TRIAL OR CONTINUED TO THE DATE, TIME AND LOCATION STATED BELOW.

SKAMANIA COUNTY DISTRICT COURT

240 N.W. VANCOUVER AVE., STEVENSON, WASHINGTON 98648

TIME 09:00 AM

DATE April 21, 202016

MOT-NO TSTMNY CN-CT

COURTROOM: COURTROOM JUDGE: REYNIER, RONALD H

- ARRAIGNMENT\*
- TRIAL
- SENTENCING
- HEARING\*TN

\*See Reverse

COURT APPEARANCE IS MANDATORY

COURT APPEARANCE IS MANDATORY UNLESS \$ \_\_\_\_\_ CASH BAIL IS POSTED.

YOU MAY FORFEIT BAIL BY YOUR NON-APPEARANCE.

CC: Pros. Atty.: \_\_\_\_\_

Officer: \_\_\_\_\_

Defense Atty.: Green, Jack

Bondsman: \_\_\_\_\_

Probation: \_\_\_\_\_

*\* mailed to defendant*

By: COURT ADMINISTRATOR

Court Clerk

DJW



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ORIGINAL

**FILED**

**MAR 22 2016**

SKAMANIA COUNTY DISTRICT COURT  
STEVENSON, WA

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SKAMANIA

STATE OF WASHINGTON,	)	
	)	NO. 4Z1107051
Plaintiff,	)	
vs.	)	CITATION
	)	
DANIEL A. GASPERINO,	)	
	)	(OUT OF CUSTODY)
Defendant.	)	

TO: THE CLERK OF THE COURT  
AND TO: Skamania County Prosecutor's Office

PLEASE TAKE NOTICE that the following matter will be brought before the Court for Hearing:

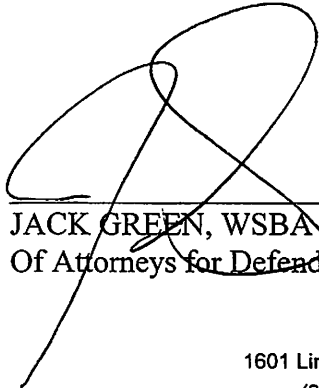
MATTER: Motion to Terminate Probation

TIME: 9:00 a.m.

DATE: April 21, 2016

JUDGE: Honorable Ron Reynier  
District Court of Skamania County, Washington  
240 NW Vancouver Avenue  
Stevenson, WA 98648

DATED this 16<sup>th</sup> day of March, 2016.



\_\_\_\_\_  
JACK GREEN, WSBA #35483  
Of Attorneys for Defendant

CITATION - 1

CAUSE NO. 4Z1107051

GREEN AND RITCHIE, P.L.L.C.  
1601 Lincoln Avenue / Vancouver, WA 98660  
(360) 694-8718 / Fax: (360) 693-7081

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**CERTIFICATE OF SERVICE**

I, Joanna Fredin, certify that I served the foregoing document by the method, on the date, and on each attorney(s) and/or person(s) identified below.

Method of Service:

By **mailing by first class mail** a full, true and correct copy of the document in a sealed, postage prepaid envelope, addressed to each party or attorney shown below, to the last known address of each party or attorney, and deposited with the United States Post Office in Vancouver, Washington, on the date set forth below.

By causing a full, true and correct copy thereof to be **hand delivered by courier** to the party or attorney shown below, to the last known address on the date set forth below.

By sending a full, true and correct copy thereof **via courier** in a sealed, prepaid envelope, addressed to the party or attorney as shown below on the date set forth below.

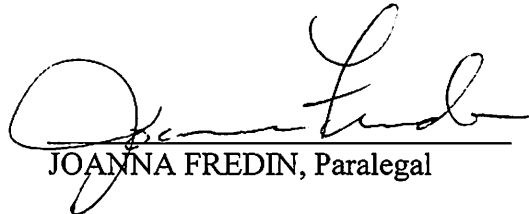
By **faxing** a full, true and correct copy thereof to the party or attorney at the fax number shown below, which is the last known fax number for the party or attorney on the date set forth below. The receiving fax machine was operating at the time of service, and the transmission was properly completed according to the confirmation report.

Person(s) Served:

Skamania County Prosecutor's Office  
P.O. Box 790  
Stevenson, WA 98648

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

DATED this 17<sup>th</sup> day of March, 2016.

  
JOANNA FREDIN, Paralegal

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**FILED**

**MAR 22 2016**

SKAMANIA COUNTY DISTRICT COURT  
STEVENSON, WA

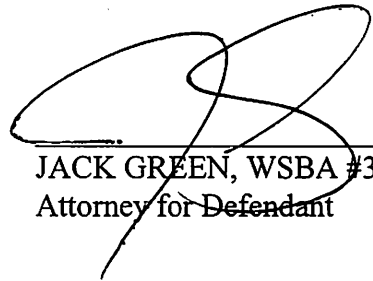
IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SKAMANIA

STATE OF WASHINGTON,	)	
	)	NO. 4Z1107051
Plaintiff,	)	
	)	MOTION AND DECLARATION
vs.	)	TO TERMINATE PROBATION
	)	
DANIEL A. GASPERINO,	)	
	)	
Defendant.	)	

MOTION

COMES NOW, Defendant, Daniel Gasperino, by and through his attorney of record, Jack Green, and moves the Court for an order terminating probation in the above-entitled matter. This motion is based upon the files and records herein and the attached Declaration of Jack Green.

DATED this 16<sup>th</sup> day of March, 2016.



\_\_\_\_\_  
JACK GREEN, WSBA #35483  
Attorney for Defendant

DECLARATION

I, Jack Green, declare and state as follows:

- I am the attorney of record for Defendant, Daniel Gasperino, in the above-entitled matter before the Court.

1           2.     On January 22, 2015, Mr. Gasperino entered a guilty plea to Driving Under the  
2 Influence. Mr. Gasperino was placed on sixty (60) months probation with twenty-four (24)  
3 months to be supervised. Specific conditions of his sentence include attending a victim impact  
4 panel, continuing with his alcohol treatment program, and complying with all DOL imposed  
5 requirements and restrictions. In addition, Mr. Gasperino was required to install an ignition  
6 interlock device on his vehicle for one year and successfully completed that requirement with  
7 zero fails.  
8

9           3.     Mr. Gasperino has also completed his EHC requirement, paid all fines in full,  
10 maintains SR22 insurance and a valid driver's license in addition to completing alcohol treatment  
11 with clean UA's. (See attached letter from treatment facility.)  
12

13           4.     On April 23, 2015, after reviewing proof that Mr. Gasperino had attended the  
14 victim impact panel, completed the intensive outpatient phase of his treatment, and complied  
15 with all aspects of his sentence and supervision, including those imposed by DOL, the Court  
16 terminated active probation in this matter.  
17

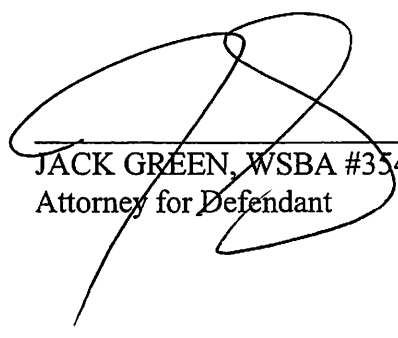
18           5.     Mr. Gasperino has extended family who reside in Canada and since his arrest in  
19 December 2014, he has missed a family trip and family wedding that took place in Canada. So  
20 long as he remains on bench probation he is prohibited from petitioning the Canadian  
21 government to cross the border.  
22

23           6.     Based on Mr. Gasperino's successful completion of the affirmative sentencing  
24 conditions imposed on his case, his strict adherence to the remaining conditions of his sentence,  
25 and the sufficient monitoring that exists at his place of employment, he respectfully requests that  
26 the Court terminate probation entirely in this matter.  
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I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

DATED this 16<sup>th</sup> day of March, 2016.



---

JACK GREEN, WSBA #35483  
Attorney for Defendant



# SERENITY LANE

## Office Locations

Administration  
2133 Centennial Plaza  
Eugene, OR 97401  
(541) 484-2156

New Hope  
2133 Centennial Plaza  
Eugene, OR 97401  
(541) 485-1577

616 East 16<sup>th</sup> Avenue  
Eugene, OR 97401  
(541) 687-1110

1050 Price Road SE  
Albany, OR 97322  
(541) 928-9681

601 NW Harmon Blvd.  
Bend, OR 97701  
(541) 383-0844

2575 NW Kline Street  
Roseburg, OR 97471  
(541) 673-3504

1885 Fisher Road NE  
Salem, OR 97305  
(503) 588-2804

490 N 2<sup>nd</sup> Street  
Suite B  
Coos Bay, OR 97420  
(541) 267-5081

March 7, 2016

Daniel A Gasperino  
4312 NE 118<sup>th</sup> St  
Vancouver, WA 98686

Dear Daniel,

This letter is to inform you of the status at Serenity Lane, Vancouver WA.

You began Intensive Outpatient treatment on January 17, 2015. You successfully completed this phase of treatment on April 2, 2015.

You transitioned into Recovery Support on April 9, 2015. You attend this phase of treatment one (1) time per week. Your attendance has been excellent.

You have submitted to six Urinalysis screenings. The dates and results of these screening are as follows:

March 3, 2015	Negative
March 30, 2015	Negative
May 4, 2015	Negative
June 11, 2015	Negative
July 27, 2015	Negative
September 1, 2015	Negative
February 25, 2016	Negative

At this time you have met all requirements of Serenity Lane and your treatment is complete.

If you have any questions, please feel free to contact me.

Sincerely,

Luis Rivas BS, CDP, CADC III  
Portland/Vancouver Outpatient Program Manager  
LJR/dcc

cc: chart

Skamania County District Court

State of Washington

RE: STATE OF WASHINGTON  
CITY OF COUNTY OF SKAMANIA

January 21, 2016

240 N.W. VANCOUVER AVE.  
P.O. BOX 790  
STEVENSON, WASHINGTON 98648  
(509) 427-3780

vs. GASPERINO, DANIEL ANTHONY

Cause No. 4Z1107051 WSP CT

Violation Date: 12/22/2014

Violation:  
DUI

GASPERINO, DANIEL ANTHONY  
4312 NE 118TH ST  
VANCOUVER WA 98686

DUI yearly reviews through January 22, 2020

File remains open until January 22, 2025

NOTICE OF CASE S

THE ABOVE CAUSE HAS BEEN SET FOR TRIAL OR CONTINUED TO THE DATE, TIME AND LOCATION STATED BELOW.

SKAMANIA COUNTY DISTRICT COURT

240 N.W. VANCOUVER AVE., STEVENSON, WASHINGTON 98648

TIME 08:29 AM

DATE January 19, 2017

DUI REVIEWS

ARRAIGNMENT\*  
TRIAL  
SENTENCING  
HEARING <sup>REV D</sup>

COURTROOM: COURTROOM JUDGE: WYNINGER, KAREN S

\*See Reverse

COURT APPEARANCE IS MANDATORY

COURT APPEARANCE IS MANDATORY UNLESS \$ CASH BAIL IS POSTED.

YOU MAY FORFEIT BAIL BY YOUR NON-APPEARANCE.

CC: Pros. Atty.:

Officer:

Defense Atty.:

Bondsman:

Probation:

By: COURT ADMINISTRATOR  
Court Clerk KRC

STATE OF WASHINGTON  
SKAMANIA COUNTY DISTRICT COURT  
P.O. BOX 790  
STEVENSON, WASHINGTON 98648  
(509) 427-3783

**FILED**  
MAY 04 2015  
SKAMANIA COUNTY DISTRICT COURT  
STEVENSON, WA  
4Z1107051

**TIME PAY AGREEMENT**

-vs-

Gasperino, Daniel A.

Defendant.

PAYMENT DUE BY THE 20TH OF EACH MONTH

MONTHLY PAYMENT: \$100.00

FIRST PAYMENT DUE: May, 20, 2015

PROVIDE CASE NUMBER WHEN MAKIING PAYMENT

Please read, sign and return white copy to the court.

FINES: balance \$ 940.50  
 ATTORNEY FEES: \$ \_\_\_\_\_  
 BAC: \$ \_\_\_\_\_  
 DEFERRED COSTS: \$ \_\_\_\_\_  
 PROBATION COSTS: \$ 120.00

\_\_\_ COURT COSTS: \$ \_\_\_\_\_  
\_\_\_ WARRANT FEE: \$ \_\_\_\_\_  
\_\_\_ RESTITUTION: \$ \_\_\_\_\_  
\_\_\_ OTHER: \$ \_\_\_\_\_  
\_\_\_ OTHER: \$ \_\_\_\_\_

**TOTAL DUE:** \$ 1,060.50

\_\_\_ ATTORNEY FEES WILL BE ADDED UPON RECEIVING THE BILL FROM YOUR COURT APPOINTED ATTORNEY.

\_\_\_ ATTORNEY FEES of \$ \_\_\_\_\_, WERE ADDED THIS DATE \_\_\_\_\_.

I PROMISE TO PAY ALL FINES, PENALTIES AND FEES ACCORDING TO THE TERMS OF THIS AGREEMENT. IF PAYMENT IS NOT MADE, I UNDERSTAND THAT ONE OR MORE OF THE FOLLOWING WILL OCCUR:

- A WARRANT FOR MY ARREST WILL BE ISSUED WITHOUT FURTHER NOTICE.
- THE DEPARTMENT OF LICENSING MAY SUSPEND MY DRIVER'S LICENSE OR PRIVILEGE UNTIL THE ORIGINAL AMOUNT PLUS A \$ 52.00 PENALTY HAS BEEN PAID IN FULL.
- MY ACCOUNT WILL BE REFERRED TO A COLLECTION AGENCY IF PAYMENT IS NOT RECEIVED BY DUE DATE, AND I WILL BE LIABLE FOR ANY AND ALL COSTS.

DEFENDANT'S SIGNATURE:



DATE:

4/30/2015

**PAYMENT DUE BY THE 20TH OF EACH MONTH.**

**PAY BY CREDIT CARD 1-877-853-1059**

**PAY** \_\_\_\_\_



\* \* \* Communication Result Report ( Apr. 27. 2015 9:39AM ) \* \* \*

}}  
}}

Date/Time: Apr. 27. 2015 9:38AM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
4951	Memory TX	813605707034	P. 2	OK	

Reason for error

- E. 1) Hang up or line fail
- E. 3) No answer
- E. 5) Exceeded max. E-mail size

- E. 2) Busy
- E. 4) No facsimile connection

Skamania County  
Facsimile Transmittal  
(509) 427-3777

- |  |  |
|--|--|
| <input type="checkbox"/> Skamania County Clerk's Office                      | <input checked="" type="checkbox"/> Skamania County District Court |
| <input type="checkbox"/> Skamania County Superior Court                      | <input type="checkbox"/> Skamania County Prosecutor's Office       |
| <input type="checkbox"/> Skamania County Juvenile Office                     | <input type="checkbox"/> North Bonneville Municipal Court          |
| <input type="checkbox"/> Skamania County Department of Community Corrections |  |

Date: April 27, 2015

To: ACR - Mandatory Conviction Fax: 1-360-570-7034  
 Agency/Department: Washington DOL  
 From: Donna Phone: (509) 427-3782

Number of pages, including transmittal: 2 pages

re: Mandatory Conviction  
Second time sent to DOL

If you have any questions, please call.

Donna J. Wood  
Court Clerk

Skamania County District Court  
240 Vancouver Avenue #15  
P.O. Box 790  
Snohomish, Washington 98268

**Privacy Note**

This communication may contain confidential information intended only for the individual or entity named above. Anyone other than the recipient named above, or the intended recipient's agent or employer is prohibited from reading, disseminating, copying or distributing the information contained in this facsimile transmission.

If this transmission has been received in error, please notify the sender immediately and return all materials transmitted erroneously. Thank you.

Skamania County  
Facsimile Transmittal  
(509) 427-3777

- Skamania County Clerk's Office
- Skamania County Superior Court
- Skamania County Juvenile Office
- Skamania County Department of Community Corrections

Skamania County District Court

- Skamania County Prosecutor's Office
- North Bonneville Municipal Court

Date: April 27, 2015

To: ACR - Mandatory Conviction Fax: 1-360-570-7034

Agency/Department: Washington DOL

From: Donna Phone: (509) 427-3782

Number of pages, including transmittal: 2 pages

re: Mandatory Conviction

Second time sent to DOL

If you have any questions, please call.

Donna J. Wood  
Court Clerk

Skamania County District Court  
240 Vancouver Avenue #35  
P.O. Box 790  
Stevenson, Washington 98648

Please Note:

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If this transmission has been received in error, please notify the sender immediately and return all materials transmitted erroneously.  
Thank you.

**Abstract of Court Record (ACR)**

Courts can use this form to report a diversion agreement or a conviction. To email completed form, check appropriate record type and a Submit button appears. Items in red are required.

**Check only one:**

Mandatory conviction  Deferred prosecution  Infraction  MIP or Diversion  Criminal citation  DP Revoked

Name (Last, First, Middle) Gasperino, Daniel Anthony			Date of birth 01/14/1979	Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
Mailing address 4312 NE 118th Street		City Vancouver	State WA	ZIP code 98686
Driver license number GASPEDA214BM	State WA	CDL <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Citation/Case/Complaint number 4Z1107051	Offense date 12/22/2014
Finding/Conviction/Diversion date 01/22/2015	Court name Skamania County District Court			Court NCIC number WA030033J

**Charges** – If "Amended" is not checked, "Findings/Judgment" must be completed.

<b>1</b>	Charge DUI	RCW 46.61.502	<input type="checkbox"/> Amended
	Findings/Judgment <input checked="" type="checkbox"/> G <input type="checkbox"/> C		
<b>2</b>	Charge	RCW	<input type="checkbox"/> Amended
	Findings/Judgment <input type="checkbox"/> G <input type="checkbox"/> C		
<b>3</b>	Charge	RCW	<input type="checkbox"/> Amended
	Findings/Judgment <input type="checkbox"/> G <input type="checkbox"/> C		
<b>4</b>	Charge	RCW	<input type="checkbox"/> Amended
	Findings/Judgment <input type="checkbox"/> G <input type="checkbox"/> C		

**Conditions**

Conviction - Complete for DUI or physical control convictions BAC .14 <input type="checkbox"/> No test <input type="checkbox"/> Refusal <input type="checkbox"/> Drug related <input type="checkbox"/> THC <input type="checkbox"/> Mental health <input type="checkbox"/> Passenger under age 16	
Complete when imposing discretionary ignition interlock requirements <input type="checkbox"/> Discretionary period: ___ years(s) ___ months in addition to DOL required	Conviction recommendation (for RCW 46.20.342 only) <input type="checkbox"/> Recommend non-extension

**Vehicle information** (You must check either yes or no for all fields)

Commercial vehicle <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	16 passenger <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	HazMat <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Fatality collision <input type="checkbox"/>
---	---	---	--

**Probation violations** - Complete when a defendant violates conditions of mandatory probation.

<input type="checkbox"/> On _____, this defendant had a violation of mandatory court probation under RCW 46.61.5055. Date
--

**Vehicular assault/homicide confinement**

Required for vehicular assault/homicide <input type="checkbox"/> Total confinement _____ years _____ months _____ days <input type="checkbox"/> Work release/Home monitoring
---

**Negligent driving**

<input type="checkbox"/> Has not met requirements for Negligent Driving Second Degree with a Vulnerable User Victim. RCW 46.61.526.
---

Return email dwood@co.skamania.wa.us	Date submitted 02/13/2015	Clerk initials DJW	<b>Submit mandatory conviction</b>
---	------------------------------	-----------------------	------------------------------------

**FILED**

**APR 23 2015**

**SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA**

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SKAMANIA

STATE OF WASHINGTON,	)	
	)	NO. 4Z1107051
Plaintiff,	)	
	)	ORDER TO TERMINATE
v.	)	SUPERVISED PROBATION
	)	
DANIEL GASPERINO,	)	
	)	
Defendant.	)	

THE STATE OF WASHINGTON, Plaintiff, and Defendant, by and through his attorney of record, Jack Green, hereby moves the Court to terminate supervised probation of the above-entitled case, and the Court having considered the records and files herein;

IT IS HEREBY ORDERED ADJUDGED AND DECREED that supervised probation is terminated. All other conditions of sentence remain in effect.

DATED this 23 day of April, 2015.

TJR  
JUDGE OF THE DISTRICT COURT

Presented by

Adam N. Kick  
ADAM N. KICK, WSBA #27525  
Appointed Prosecuting Attorney

Jack Green  
JACK GREEN, WSBA #35483  
Attorney for Defendant

GREEN AND RITCHIE, P.L.L.C.

1601 Lincoln Avenue / Vancouver, WA 98660  
(360) 694-8718 / Fax: (360) 693-7081

Skamania County District Court

State of Washington

RE: STATE OF WASHINGTON

CITY OF COUNTY OF SKAMANIA

April 21, 2015

vs.

GASPERINO, DANIEL ANTHONY

240 N.W. VANCOUVER AVE.
P.O. BOX 790
STEVENSON, WASHINGTON 98648
(509) 427-3780

Cause No. 4Z1107051 WSP CT

Violation Date: 12/22/2014

Violation:

DUI

GASPERINO, DANIEL ANTHONY
4312 NE 118TH ST
VANCOUVER WA 98686

NOTICE OF CASE SETTING

THE ABOVE CAUSE HAS BEEN SET FOR TRIAL OR CONTINUED TO THE DATE, TIME AND LOCATION STATED BELOW.

SKAMANIA COUNTY DISTRICT COURT

240 N.W. VANCOUVER AVE., STEVENSON, WASHINGTON 98648

TIME 09:00 AM

DATE April 23, 2015

MOTION

COURTROOM: COURTROOM JUDGE: REYNIER, RONALD H

COURT APPEARANCE IS MANDATORY

COURT APPEARANCE IS MANDATORY UNLESS \$ CASH BAIL IS POSTED.

YOU MAY FORFEIT BAIL BY YOUR NON-APPEARANCE.

CC: Pros. Atty.:

Officer:

Defense Atty.:

Bondsman:

Probation:

ARRAIGNMENT\*

TRIAL

SENTENCING

HEARING

\*See Reverse

By: COURT ADMINISTRATOR

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ORIGINAL

**FILED**  
APR 16 2015  
SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SKAMANIA

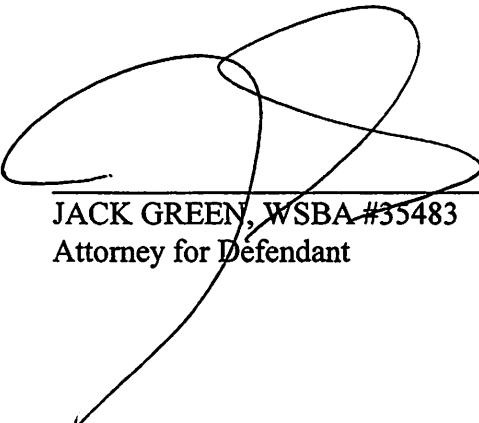
STATE OF WASHINGTON, )  
 ) NO. 4Z1107051  
Plaintiff, )  
 ) MOTION AND DECLARATION  
vs. ) TO TERMINATE SUPERVISED  
 ) PROBATION  
DANIEL A. GASPERINO, )  
 )  
Defendant. )

---

MOTION

COMES NOW, Defendant, Daniel Gasperino, by and through his attorney of record, Jack Green, and moves the Court for an order terminating supervised probation in the above-entitled matter. This motion is based upon the files and records herein and the attached Declaration of Jack Green.

DATED this 14<sup>th</sup> day of April, 2015.



---

JACK GREEN, WSBA #35483  
Attorney for Defendant

DECLARATION

I, Jack Green, declare and state as follows:

1. I am the attorney of record for Defendant, Daniel Gasperino, in the above-entitled

1 matter before the Court.

2 2. On January 22, 2015, Mr. Gasperino entered a guilty plea to Driving Under the  
3 Influence. Mr. Gasperino was placed on sixty (60) months probation with twenty-four (24)  
4 months to be supervised. Specific conditions of his sentence include attending a victim impact  
5 panel, continuing with his alcohol treatment program, and complying with all DOL imposed  
6 requirements and restrictions.  
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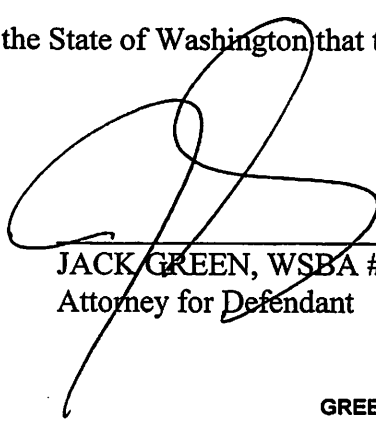
8 3. Mr. Gasperino has since attended the victim impact panel, completed the intensive  
9 outpatient phase of his treatment, and complied with all aspects of his sentence and supervision,  
10 including those imposed by DOL.

11 4. Additionally, as the Court knows, Mr. Gasperino currently resides and works in  
12 Clark County, WA. As such, the in-person reporting requirement of supervised probation in  
13 Skamania County has become increasingly burdensome. Each time he reports to his probation  
14 counselor, he is required to miss work and travel an hour each way, to and from his appointment.  
15

16 5. Based on Mr. Gasperino's successful completion of the victim impact panel, the  
17 successful completion of his intensive outpatient treatment, his strict adherence to the conditions  
18 of his sentence, and the ongoing travel demands posed by supervised probation, Defendant  
19 respectfully requests that the Court terminate supervised probation in this matter.  
20

21  
22 I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true  
and correct.

23 DATED this 14<sup>th</sup> day of April, 2015.

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\_\_\_\_\_  
JACK GREEN, WSBA #35483  
Attorney for Defendant

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**FILED**

**APR 16 2015**

**SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA**

**IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SKAMANIA**

STATE OF WASHINGTON,	)	
	)	NO. 4Z1107051
Plaintiff,	)	
vs.	)	CITATION
	)	
DANIEL A. GASPERINO,	)	
	)	(OUT OF CUSTODY)
Defendant.	)	

TO: THE CLERK OF THE COURT

AND TO: Skamania County Prosecutor's Office

PLEASE TAKE NOTICE that the following matter will be brought before the Court for Hearing:

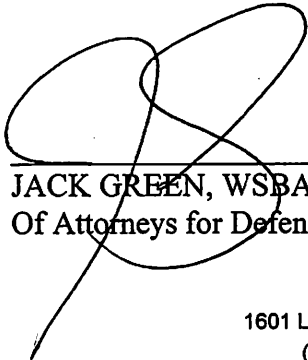
MATTER: Motion to Terminate Active Probation

TIME: 9:00 a.m.

DATE: April 23, 2015

JUDGE: Honorable Ron Reynier  
District Court of Skamania County, Washington  
240 NW Vancouver Avenue  
Stevenson, WA 98648

DATED this 14<sup>th</sup> day of April, 2015.

  
 JACK GREEN, WSBA #35483  
 Of Attorneys for Defendant

CITATION - 1

CAUSE NO. 4Z1107051

**GREEN AND RITCHIE, P.L.L.C.**  
1601 Lincoln Avenue / Vancouver, WA 98660  
(360) 694-8718 / Fax: (360) 693-7081



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**CERTIFICATE OF SERVICE**

I, Joanna Fredin, certify that I served the foregoing document by the method, on the date, and on each attorney(s) and/or person(s) identified below.

Method of Service:

By **mailing by first class mail** a full, true and correct copy of the document in a sealed, postage prepaid envelope, addressed to each party or attorney shown below, to the last known address of each party or attorney, and deposited with the United States Post Office in Vancouver, Washington, on the date set forth below.

By causing a full, true and correct copy thereof to be **hand delivered by courier** to the party or attorney shown below, to the last known address on the date set forth below.

By sending a full, true and correct copy thereof **via courier** in a sealed, prepaid envelope, addressed to the party or attorney as shown below on the date set forth below.

By **faxing** a full, true and correct copy thereof to the party or attorney at the fax number shown below, which is the last known fax number for the party or attorney on the date set forth below. The receiving fax machine was operating at the time of service, and the transmission was properly completed according to the confirmation report.

Person(s) Served:

Skamania County Prosecutor's Office  
P.O. Box 790  
Stevenson, WA 98648

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

DATED this 14<sup>th</sup> day of April, 2015.

  
JOANNA FREDIN, Paralegal

OFFICE OF THE SKAMANIA COUNTY

# PROBATION



PO Box 790  
240 Vancouver Ave.  
Stevenson WA 98648  
Phone (509)427-3709  
Fax (509)427-3708

*Toni Farris*  
*Probation Officer*

**FILED**

FEB 18 2015

SKAMANIA CO. DISTRICT COURT  
STEVENSON WA

## ELECTRONIC HOME MONITORING SENTENCE COMPLETE MEMO

February 17, 2015

To: Skamania County District Court

Re: Dan Gasperino  
DOB:01/14/1979  
Cause No: 4Z1107051

This Memo is to advise Skamania County District Court that as of today's date the above mentioned individual successfully completed 15 days of Electronic Home Monitoring as ordered on January 22, 2015.

Sincerely,

A handwritten signature in cursive script that reads "Toni Farris".

Toni Farris  
Probation Officer

Skamania County District Court

State of Washington

RE: STATE OF WASHINGTON

CITY OF ~~COUNTY OF SKAMANIA~~

February 03, 2015

vs.

GASPERINO, DANIEL ANTHONY

240 N.W. VANCOUVER AVE.
P.O. BOX 790
STEVENSON, WASHINGTON 98648
(509) 427-3780

Cause No. 421107051 WSP CT
Violation Date: 12/22/2014
Violation:

GASPERINO, DANIEL ANTHONY
4312 NE 118TH ST
VANCOUVER WA 98686

DUI

Yearly reviews through January 22, 2020

File remains open until December 22, 2021

NOTICE OF CASE S

THE ABOVE CAUSE HAS BEEN SET FOR TRIAL OR CONTINUED TO THE DATE, TIME AND LOCATION STATED BELOW.

SKAMANIA COUNTY DISTRICT COURT
240 N.W. VANCOUVER AVE., STEVENSON, WASHINGTON 98648

TIME 08:29 AM

DATE January 21, 2015

COURTROOM: COURTROOM JUDGE: WYNINGER, KAREN S

X COURT APPEARANCE IS MANDATORY

COURT APPEARANCE IS MANDATORY UNLESS \$ CASH BAIL IS POSTED.

YOU MAY FORFEIT BAIL BY YOUR NON-APPEARANCE.

CC: Pros. Atty.:

Officer:

Defense Atty.:

Bondsman:

Probation:

DUI REVIEWS

- ARRAIGNMENT\*
TRIAL
SENTENCING
HEARING

\*See Reverse

By: COURT ADMINISTRATOR

COB

**Abstract of Court Record (ACR)**

Courts can use this form to report a diversion agreement or a conviction. To email completed form, check appropriate record type and a Submit button appears. Items in red are required.

**Check only one:**

Mandatory conviction  Deferred prosecution  Infraction  MIP or Diversion  Criminal citation  DP Revoked

Name (Last, First, Middle) Gasperino, Daniel Anthony			Date of birth 01/14/1979	Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
Mailing address 4312 NE 118th Street		City Vancouver	State WA	ZIP code 98686
Driver license number GASPEDA214BM	State WA	CDL <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Citation/Case/Complaint number 4Z1107051	Offense date 12/22/2014
Finding/Conviction/Diversion date 01/22/2015	Court name Skamania County District Court			Court NCIC number WA030033J

**Charges** – If "Amended" is not checked, "Findings/Judgment" must be completed.

<b>1</b>	Charge DUI	RCW 46.61.502	<input type="checkbox"/> Amended
	Findings/Judgment <input checked="" type="checkbox"/> G <input type="checkbox"/> C		
<b>2</b>	Charge	RCW	<input type="checkbox"/> Amended
	Findings/Judgment <input type="checkbox"/> G <input type="checkbox"/> C		
<b>3</b>	Charge	RCW	<input type="checkbox"/> Amended
	Findings/Judgment <input type="checkbox"/> G <input type="checkbox"/> C		
<b>4</b>	Charge	RCW	<input type="checkbox"/> Amended
	Findings/Judgment <input type="checkbox"/> G <input type="checkbox"/> C		

**Conditions**

Conviction - Complete for DUI or physical control convictions BAC .14 <input type="checkbox"/> No test <input type="checkbox"/> Refusal <input type="checkbox"/> Drug related <input type="checkbox"/> THC <input type="checkbox"/> Mental health <input type="checkbox"/> Passenger under age 16			
Complete when imposing discretionary ignition interlock requirements <input type="checkbox"/> Discretionary period: ___ years(s) ___ months in addition to DOL required		Conviction recommendation (for RCW 46.20.342 only) <input type="checkbox"/> Recommend non-extension	

**Vehicle information** (You must check either yes or no for all fields)

Commercial vehicle <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	16 passenger <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	HazMat <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Fatality collision <input type="checkbox"/>
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**Probation violations** - Complete when a defendant violates conditions of mandatory probation.

On \_\_\_\_\_, this defendant had a violation of mandatory court probation under RCW 46.61.5055.  
Date

**Vehicular assault/homicide confinement**

Required for vehicular assault/homicide  
 Total confinement \_\_\_ years \_\_\_ months \_\_\_ days  Work release/Home monitoring

**Negligent driving**

Has not met requirements for Negligent Driving Second Degree with a Vulnerable User Victim. RCW 46.61.526.

Return email dwood@co.skamania.wa.us	Date submitted 02/13/2015	Clerk initials DJW	<b>Submit mandatory conviction</b>
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**FILED**

**JAN 28 2015**

**SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA**

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IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SKAMANIA

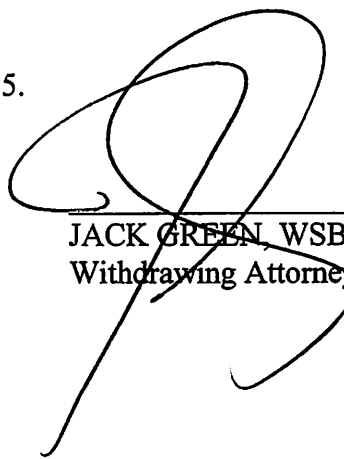
STATE OF WASHINGTON,	)	
	)	NO. 4Z1107050 and 4Z1107051
Plaintiff,	)	
	)	NOTICE OF WITHDRAWAL
v.	)	OF ATTORNEY
	)	
DANIEL GASPERINO,	)	
	)	
Defendant.	)	

TO THE CLERK OF THE COURT, THE STATE OF WASHINGTON AND THE  
DEFENDANT NAMED ABOVE:

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that Aaron Ritchie of  
GREEN & RITCHIE, Attorneys at Law, hereby withdraws as attorney of record for the  
Defendant in this cause. Said withdrawal shall be effective without further order of the Court.

There is no trial set in this case.

DATED this 26<sup>th</sup> day of January, 2015.




---

JACK GREEN, WSBA #35483  
Withdrawing Attorney

STATE OF WASHINGTON  
SKAMANIA COUNTY DISTRICT COURT  
P.O. BOX 790  
STEVENSON, WASHINGTON 98648  
(509) 427-3783  
Plaintiff,

No. 421107051

TIME-PAY AGREEMENT

-vs-

PAYMENT DUE BY THE 20TH OF EACH MONTH

Gasperino, Daniel A.

MONTHLY PAYMENT: \$100.00  
FIRST PAYMENT DUE: 02.20.2015

**FILED**

**JAN 22 2015**

SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA  
Defendant.

PROVIDE CASE NUMBER WHEN MAKIING PAYMENT

FINES: \$ 940.50  
 ATTORNEY FEES: \$ \_\_\_\_\_  
 BAC: \$ \_\_\_\_\_  
 DEFERRED COSTS: \$ \_\_\_\_\_  
 PROBATION COSTS: \$ 960.00

COURT COSTS: \$ 150.00  
 WARRANT FEE: \$ \_\_\_\_\_  
 RESTITUTION: \$ \_\_\_\_\_  
 OTHER: \$ \_\_\_\_\_  
 OTHER: ERF \$ 150.00

**TOTAL DUE: \$ 2200.50**

ATTORNEY FEES WILL BE ADDED UPON RECEIVING THE BILL FROM YOUR COURT APPOINTED ATTORNEY.

ATTORNEY FEES of \$ \_\_\_\_\_, WERE ADDED THIS DATE \_\_\_\_\_.

I PROMISE TO PAY ALL FINES, PENALTIES AND FEES ACCORDING TO THE TERMS OF THIS AGREEMENT. IF PAYMENT IS NOT MADE, I UNDERSTAND THAT ONE OR MORE OF THE FOLLOWING WILL OCCUR:

- A WARRANT FOR MY ARREST WILL BE ISSUED WITHOUT FURTHER NOTICE.
- THE DEPARTMENT OF LICENSING MAY SUSPEND MY DRIVER'S LICENSE OR PRIVILEGE UNTIL THE ORIGINAL AMOUNT PLUS A \$ 52.00 PENALTY HAS BEEN PAID IN FULL.
- MY ACCOUNT WILL BE REFERRED TO A COLLECTION AGENCY IF PAYMENT IS NOT RECEIVED BY DUE DATE, AND I WILL BE LIABLE FOR ANY AND ALL COSTS.

DEFENDANT'S SIGNATURE:  DATE: 01.22.2015

**PAYMENT DUE BY THE 20TH OF EACH MONTH.**

**PAY BY CREDIT CARD 1-877-853-1059 PAY \_\_\_\_\_**

**District Court of Washington  
For Skamania County**

State of Washington Plaintiff,

vs.

Daniel A. Gasper Defendant.

No. 421107051

**Judgment and Sentence for:**

1)  Driving Under The Influence  
 Physical Control

2)  Reckless Driving (RCW 46.61.500(3))  
 Negligent Driving - 1<sup>st</sup> Degree  
(RCW 46.61.5249(4))

3) \_\_\_\_\_  
(DUIJS)

The defendant is adjudged guilty based upon a guilty plea, jury verdict, or bench trial. The court verified the defendant's criminal history and driving record and made findings as follows: (check all that apply):

GYPassenger under age 16,  BAC 0.15,  No Test,  Refusal,  Drug related,  THC \_\_\_\_\_,  
 Non-alcohol related,  CDL (less than 15)

Vehicle Information:  Hazmat vehicle,  Commercial vehicle,  16 Passenger vehicle, and

therefore, the defendant is sentenced as follows:

Sentence is suspended for a period of 5 months/years on the following conditions:  
Count 1) 364 days of jail and suspends 363 days; and a fine of \$ 5000 with \$ 4057.50 suspended  
Count 2) \_\_\_\_\_ days of jail and suspends \_\_\_\_\_ days; and a fine of \$ \_\_\_\_\_ with \$ \_\_\_\_\_ suspended

Jail: Serve a total of 0 days in jail with credit for 0 days served, and  
serve a total of 15 days of electronic home monitoring with credit for 0 days served.  
 other alternative means of confinement: \_\_\_\_\_

Jail sentences are concurrent/consecutive with all other commitments \_\_\_\_\_

Pay: <input checked="" type="checkbox"/> fine of	\$ <u>940.50</u>	<input type="checkbox"/> Alcohol violator fee DUC	\$ _____
<input type="checkbox"/> assessments	\$ _____	<input type="checkbox"/> criminal traffic fee	\$ _____
<input checked="" type="checkbox"/> costs - bench, probation	\$ <u>150</u>	<input checked="" type="checkbox"/> probation/monitoring fee	\$ <u>960</u>
<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"/> other _____	\$ _____	<input type="checkbox"/> criminal conviction fee	\$ _____
		<input type="checkbox"/> Passenger under 16 fine	\$ _____
<input checked="" type="checkbox"/> DUI emergency response reimbursement to (agency):	<u>150 to WSP</u>		\$ _____
<input type="checkbox"/> restitution to:	_____		\$ _____

(All payments shall be made through the clerk of this court, including restitution.) Total: \$ 2206.50

\$ \_\_\_\_\_ 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.

**Mandatory Conditions of Sentence - DUI/Physical Control**

- (a) The defendant shall not drive a motor vehicle without a valid license and proof of liability insurance or other financial responsibility insurance. (b) The defendant shall not drive or be in physical control of a motor vehicle with an alcohol concentration of .08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving. (c) The defendant shall submit to a breath or blood alcohol test upon the reasonable request of a law enforcement officer. If you violate (a), (b), or (c) within this state, the court shall order you confined for no less than 30 days and your driving privilege will be suspended for 30 days.
- No criminal violations of law or alcohol related infractions.
- Comply with the rules and requirements of the Department of Licensing regarding the installation and use of a functioning ignition interlock device.

- Comply with the requirement to install an ignition interlock device for 6 months in addition to any other ignition interlock device requirements imposed by the Department of Licensing or the court. (Passenger under 16, RCW 46.61.5055(6).)
- The court has ordered the defendant to refrain from consuming any alcohol. The defendant must comply with alcohol monitoring as authorized by law.  The defendant shall pay the cost of monitoring.  The cost of monitoring shall be paid by \_\_\_\_\_ (RCW 46.61.5055(5)).

**Conditions of Sentence – Reckless Driving/Negligent Driving – 1<sup>st</sup> Degree**

- (a) The defendant shall not drive a motor vehicle without a valid license and proof of liability insurance or other financial responsibility. (b) The defendant shall not drive or be in physical control of a motor vehicle with an alcohol concentration of .08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving.
- No criminal violations of law or alcohol related infractions.
- Comply with mandatory ignition interlock device requirements as imposed by the Department of Licensing.

**Additional Conditions of Sentence – 24/7 Alcohol Monitoring Program/Discretionary Ignition Interlock**

- 24/7 Sobriety Program monitoring is available. RCW 46.16.5055(2) – (3). For 6 months:
  - comply with the 24/7 Alcohol Monitoring Program (1 prior: alternative to EHM; 2 or 3 priors: mandatory.)
  - do not drive any motor vehicle unless it is equipped with an ignition interlock device (this does not authorize you to drive without a valid license).
- Comply with discretionary ignition interlock device requirements. RCW 46.20.720(1):
  - For a period of \_\_\_\_\_ years following the period of driver's license suspension, revocation, or denial, drive only a motor vehicle equipped with a functioning ignition interlock device.
  - From \_\_\_\_\_ (date) to \_\_\_\_\_ (date),  for 6 months do not drive any motor vehicle unless it is equipped with an ignition interlock device (this does not authorize you to drive without a valid license).

Unless otherwise stated, the calibration level for any ignition interlock requirement imposed under this order shall be .025%  \_\_\_\_\_.

**“Employer exemption:”** When the defendant provides an employer affidavit to the Department of Licensing, this order shall not apply to vehicles owned, leased, or rented by defendant's employer or to those vehicles whose care and/or maintenance is the temporary responsibility of the employer and driven at the direction of the defendant's employer as a requirement of employment during working hours.

**Except that,** the employer exemption does not apply for the first \_\_\_\_\_ days after the ignition interlock device has been installed; or when the employer's vehicle is assigned exclusively to the defendant and used solely to commute to and from employment.

**Additional Conditions of Sentence**

- Probation for 60 months. Supervised probation for 24 months with probation department and abide by all rules and regulations of probation department. Pay a pre-sentence fee and a monthly probation fee as set by the probation department.
- Obtain an  alcohol/drug evaluation  expanded alcohol assessment from a Washington State-approved agency and file a copy of the evaluation/assessment within \_\_\_\_\_ days. Begin any recommended/ appropriate treatment or education within \_\_\_\_\_ days and file proof of timely enrollment and completion. – *Defendant to continue with treatment already begun.*
- Begin the following within 90 days, complete within 120 days, and file proof of timely enrollment and completion:  DUI Victim's Panel  Alcohol/Drug Information School  One Year Alcohol/Drug Treatment  Two Year Alcohol/Drug Treatment  Alcohol/Drug Treatment for a period of \_\_\_\_\_  Driver Improvement School  Other \_\_\_\_\_.



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.

Other: ~~Firearm~~ Firearm to be forfeited, <sup>laser</sup> grip and knife to be returned to Defendant.

Return for a review hearing: \_\_\_\_\_ .  Bail or Bond is  Exonerated  Forfeited.

Dated: 1/22/15

I have read the rights, conditions, and warnings.

[Signature]  
Defendant's Signature

1/14/79  
Date of Birth

[Signature]  
Judge/Court Commissioner/Pro Tem

Defendant's Address and Telephone

[Signature] 27525  
Prosecuting Attorney WSBA No.

[Signature] Jackson 35483  
Defense Attorney WSBA No.

Written Waiver of Counsel is filed.

FILED  
JAN 22 2015

IN AND FOR THE STATE OF WASHINGTON  
SKAMANIA COUNTY DISTRICT COURT

Defendant's Name: Daniel Gasparino Cas

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CO. DISTRICT COURT  
SKAMANIA COUNTY  
WASH. WA

Certificate of Defendant's Criminal History

The undersigned prosecuting attorney states that, to the best of his or her knowledge, the following information, together with the Abstract of Driving Record, complies with the requirements of RCW 46.61.513.

The following convictions (including deferred prosecutions) appear within the judicial information system or are otherwise available to the court or the prosecutor, and are current within the period set forth in RCW 46.61.513(3):

1. DUI or Physical Control convictions (including deferred prosecutions) for which the defendant was arrested *within seven years* before or after the date of arrest for the current offense:  
(Crime: ∅ Date: \_\_\_\_\_)
  2. Negligent Driving 1°, Reckless Driving, Reckless Endangerment convictions originally filed as a DUI or Physical Control or Vehicular Homicide or Assault for which the defendant was arrested *within seven years* before or after the date of arrest for the current offense:  
(Crime: ∅ Date: \_\_\_\_\_)
  3. Vehicular Homicide or Assault convictions, committed while under the influence of intoxicating liquor or any drug, for which the defendant was arrested *within seven years* before or after the date of arrest for the current offense:  
(Crime: ∅ Date: \_\_\_\_\_)
  4. Vehicular Homicide or Assault convictions committed in a reckless manner or with the disregard for the safety of others originally filed as Vehicular Homicide or Assault convictions, committed while under the influence of intoxicating liquor or any drug for which the defendant was arrested *within seven years* before or after the date of arrest for the current offense:  
(Crime: ∅ Date: \_\_\_\_\_)
- ⇒ Total number of convictions from 1, 2, 3 and 4 (**determines mandatory minimum**): (∅).
5. DUI or Physical Control and Vehicular Homicide or Assault convictions (including deferred prosecutions) for which the defendant was arrested *more than seven years* before or after the date of arrest for the current offense:  
(Crime: ∅ Date: \_\_\_\_\_)
- ⇒ Total number of convictions (including deferred prosecutions) from 1, 2, 3, 4 and 5: (\_\_\_\_\_).
- Negligent Driving 1°, Reckless Driving, Reckless Endangerment convictions:  
(Crime: ∅ Date: \_\_\_\_\_)
  - DWLS 1°/ DWLS 2° convictions:  
(Crime: ∅ Date: \_\_\_\_\_)
  - DWLS 3° convictions: (Date: N/A)
  - Other relevant criminal convictions: N/A
- Injury or damage to another:  Yes  No; another's property:  Yes  No  Unknown
- Passengers in car during current offense:  Yes  No  Unknown  
Number of passengers (\_\_\_\_\_), Number of those passengers under age 16 (\_\_\_\_\_).

Dated: 1/22/15

[Signature]  
Prosecuting Attorney WSBA No. 27525

Updated: \_\_\_\_\_ (Date), \_\_\_\_\_ (Prosecutor's Initials and WSBA No.)

RCW 46.61.513 (1) Immediately before the court defers prosecution under RCW 10.05.020, dismisses a charge, or orders a sentence for any offense listed in subsection (2) of this section, the court and prosecutor shall verify the defendant's criminal history and driving record. The order shall include specific findings as to the criminal history and driving record. For purposes of this section, the criminal history shall include all previous convictions and orders of deferred prosecution as reported through the judicial information system, or otherwise available to the court or prosecutor, current to within the period specified in subsection (3) of this section before the date of the order. For purposes of this section, the driving record shall include all information reported to the court by the Department of Licensing.

(2) The offenses to which this section applies are violations of: (a) RCW 46.61.502 or an equivalent local ordinance; (b) RCW 46.61.504 or an equivalent local ordinance; (c) RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug; (d) RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug; and (e) RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522.

(3) The periods applicable to previous convictions and orders of deferred prosecution are: (a) one working day, in the case of previous actions of courts that fully participate in the state judicial information system; and (b) seven calendar days, in the case of previous actions of courts that do not fully participate in the judicial information system. For purposes of this subsection, "fully participate" means regularly providing records to and receiving records from the system by electronic means on a daily basis.

**FILED**  
JAN 22 2015  
SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA

IN AND FOR THE STATE OF WASHINGTON  
SKAMANIA COUNTY DISTRICT COURT

State of Washington Plaintiff,  
vs. Clark County

Daniel Gasperino Defendant.

No. 421107051  
Standing Order of Requirements for  
Defendants Prohibited from Operating a  
Vehicle that is not Equipped with a  
Functioning Ignition Interlock Device  
Under RCW 46.20.720(1) or 46.61.5055(6),  
(11) (ORIID)

THE COURT sets requirements for defendants prohibited from operating a motor vehicle that is not equipped with a functioning ignition interlock device pursuant to RCW 46.20.720(1) and RCW 46.61.5055(6), (11).

THIS ORDER applies to defendants with sentences prohibiting them from operating a motor vehicle that is not equipped with a functioning ignition interlock device:

1. The defendant shall not operate any motor vehicle unless the defendant has a valid driver's license and insurance.
2. Once the defendant is eligible for reinstatement of the driver's license, the defendant shall operate only a motor vehicle equipped with a functioning ignition interlock device for the period of time ordered.
3. The defendant shall have an ignition interlock device installed by a Washington State Patrol certified ignition interlock device vendor on any motor vehicle the defendant will operate. The ignition interlock device must use photo identification technology if the Washington State Patrol determines that technology is reasonably available in the area.
4. The defendant shall bear the cost of installation and maintenance of the ignition interlock device.
5. The defendant shall not personally tamper, and shall not direct, authorize or request another person to tamper, with the ignition interlock device in order to circumvent the device by modifying, detaching, disconnecting or otherwise disabling the device. Violation of this provision is a gross misdemeanor.
6. Any ignition interlock device installed pursuant to this order shall be monitored by the installer with the following notification to the Department of Licensing and to: Skamania County Tech Inc

A. Notification of when vehicle(s) have an ignition interlock device installed.

B. Notification of any violations that include the following:

- (1) Evidence that the ignition interlock device was tampered with in order to circumvent the device by modifying, detaching, disconnecting or otherwise disabling the device.
- (2) Three consecutive failures of .025, or other specified setting in the judgment and sentence, or higher.

C. Notification of when ignition interlock device(s) is/are removed.

7. The ignition interlock device shall have a setting of .025, unless otherwise ordered by the court in the judgment and sentence, to prevent the motor vehicle from being started.
8. This order shall not apply to vehicles owned, leased, or rented by defendant's employer, and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer and driven at the direction of the defendant's employer as a requirement of employment during working hours. However, the employer exemption does not apply:
  - A. (first conviction): for the first 30 days after the ignition interlock device has been installed.
  - B. (second or subsequent): for the first 365 days after the ignition interlock device has been installed.
  - C. if the employer's vehicle is assigned exclusively to the defendant and used solely for commuting to and from employment.

DATED: 1/22/15

[Signature]  
Judge/Court Commissioner/Pro Tem

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**FILED**  
JAN 22 2015  
SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA

<b>District Court of Washington For Skamania County</b>	
<u>State of Washington,</u>	Plaintiff,
vs.	
<u>Daniel A. Gasperino,</u>	Defendant.

No. 4Z1107051

Statement of Defendant on Plea of Guilty

1. My true name is Daniel Anthony Gasperino.
2. My age is 36.
3. I went through the \_\_\_\_\_ 19th \_\_\_\_\_ grade.
4. ***I Have Been Informed and Fully Understand that:***
  - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
  - (b) I am charged with:

Count	Crime	RCW or Ordinance (with subsection)
1.	Driving Under the Influence (BAC Under .15)	46.61.502
2.		
3.		
4.		

The elements are:  
 as set out in the charging document.  
 as follows: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5. ***I Understand That I Have the Following Important Rights, and I Give Them All Up by***

1 ***Pleading Guilty:***

- 2 (a) The right to a speedy and public trial by an impartial jury in the county where the  
3 crime is alleged to have been committed;
- 4 (b) The right to remain silent before and during trial, and the right to refuse to testify  
5 against myself;
- 6 (c) The right at trial to hear and question the witnesses who testify against me;
- 7 (d) The right at trial to testify and to have witnesses testify for me. These witnesses  
8 can be made to appear at no expense to me;
- 9 (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt  
10 or I enter a plea of guilty;
- 11 (f) The right to appeal a finding of guilt after a trial.

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

- 13 (a) The crime with which I am charged carries a maximum sentence of 364 days in jail  
14 and a \$5,000 fine.
- 15 (b) The prosecuting authority will make the following recommendation to the judge:  
16 See attached pretrial agreement incorporated herein by reference.
- 17 (c) The judge does not have to follow anyone's recommendation as to sentence. The  
18 judge can give me any sentence up to the maximum authorized by law no matter  
19 what the prosecuting authority or anyone else recommends.
- 20 (d) The judge may place me on probation for up to five (5) years if I am sentenced for  
21 a domestic violence offense or under RCW 46.61.5055, or up to two (2) years for  
22 all other offenses and impose conditions of probation. If the court orders me to  
appear at a hearing regarding my compliance with probation and I fail to attend the  
hearing, the term of probation will be tolled until I appear before the court on the  
record.
- 23 (e) The judge may require me to pay costs, fees and assessments authorized by law.  
24 The judge may also order me to make restitution to any victims who lost money or  
property as a result of crimes I committed. The maximum amount of restitution is  
double the amount of the loss of all victims or double the amount of my gain.
- 25 (f) If I am not a citizen of the United States, a plea of guilty to an offense punishable  
26 as a crime under state law may be grounds for deportation, exclusion from  
admission to the United States, or denial of naturalization pursuant to the laws of  
the United States.

27 ***Notification Relating to Specific Crimes: If any of the Following Paragraphs Apply, the  
28 Box Should Be Checked and the Paragraph Initialed by the Defendant.***

29  (g) The crime of Driving Under the Influence has a mandatory minimum sentence of  
one (1) day in jail OR 15 days Electronic Home Monitoring in Lieu of Jail, and  
\$940.50 fine plus costs and assessments. The law does not allow any reduction of  
this sentence.

30  (h) The crime of prostitution, indecent exposure, permitting prostitution and

GREEN AND RITCHIE, P.L.L.C.

1 patronizing a prostitute has a mandatory assessment of \$ \_\_\_\_\_. The  
2 court may reduce up to two-thirds of this assessment if the court finds that I am  
not able to pay the assessment. RCW 9A.88.120.

3 [ ] (i) If this crime involves patronizing a prostitute, a condition of my sentence will be  
4 that I not be subsequently arrested for patronizing a prostitute or commercial  
5 sexual abuse of a minor. The court will impose crime-related geographical  
6 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 [ ] (j) If this crime involves a sexual offense, prostitution, or a drug offense associated  
8 with hypodermic needles, I will be required to undergo testing for the human  
immunodeficiency (HIV/AIDS) virus.

9 [x] (k) This plea of guilty will result in suspension or revocation of my driving license or  
10 privilege by the Department of Licensing for a minimum period of 90 days, or  
longer based upon my record of conviction. This period may not include  
suspension or revocation based on other matters.

11 [ ] (l) I may not possess, own, or have under my control any firearm, and under federal  
12 law any firearm or ammunition, unless my right to do so is restored by the court of  
13 record that ordered the prohibition on possession of a firearm or the superior court  
14 in Washington State where I live, and by a federal court if required. I must  
immediately surrender any concealed pistol license.

15 [ ] (m) If this crime involves a violation of Title 77 RCW, the Department of Fish and  
16 Wildlife may, and in some cases shall, suspend or revoke my privileges under Fish  
and Wildlife licensing.

17 [ ] (n) If this crime involves a drug offense, my eligibility for state and federal education  
18 benefits will be affected. 20 U.S.C. § 1091(r).

19 [ ] (o) This plea of guilty is considered a conviction under RCW 46.25.010 and I will be  
20 disqualified from driving a commercial motor vehicle. RCW 46.25.090. I am  
required to notify the Department of Licensing and my employer of this guilty  
plea within 30 days after the judge signs this document. RCW 46.25.030.

21 [x] (p) If this case involves driving while under the influence of alcohol and/or being in  
22 actual physical control of a vehicle while under the influence of alcohol and/or  
23 drugs, I have been informed and understand that I will be subject to:  
[X] the penalties described in the "DUI" Attachment or the "Washington State  
Misdemeanor DUI Sentencing Attachment."

24 OR

[ ] these penalties: Mandatory minimum sentence:

- \_\_\_\_\_ days in jail.
- \_\_\_\_\_ days of electronic home monitoring.
- \$ \_\_\_\_\_ monetary penalty.

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28 GREEN AND RITCHIE, P.L.L.C.

1601 Lincoln Avenue / Vancouver, WA 98660  
(360) 694-8718 / Fax: (360) 693-7081

- If 24/7 sobriety program is available, if I have 2 or 3 prior offenses, a 6-month period of 24/7 sobriety program monitoring; or 6 months of ignition interlock device requirement; or both.
- Comply with the rules and requirements of the Department of Licensing regarding the installation and use of a functioning ignition interlock device on all motor vehicles that I operate.
- The Department of Licensing will suspend or revoke my driving privilege for the period of time stated in paragraph 6(k).

If I have prior offense(s):

- the judge may order me to submit to an expanded alcohol assessment and comply with treatment deemed appropriate by that assessment.
- instead of mandatory electronic home monitoring, the judge may order me to serve additional jail time. If 24/7 sobriety program is available, if I have 1 prior offense, instead of additional jail time, the judge may order a 6-month period of 24/7 sobriety program monitoring; or 6 months ignition interlock requirement; or both.

Instead of the minimum jail term, the judge may order me to serve fifteen (15) days in electronic home monitoring.

If the judge orders me to refrain from consuming any alcohol, the judge may order me to submit to alcohol monitoring. I shall be required to pay for the monitoring unless the judge specifies that the cost will be paid with funds from another source.

The judge may waive electronic home monitoring or order me to obtain an alcohol monitoring device with wireless reporting technology, if that device is reasonably available, if I do not have a dwelling, telephone service, or any other necessity to operate electronic home monitoring. The judge may waive electronic home monitoring if I live out of state, or if the judge determines I would violate the terms of electronic home monitoring. If the judge waives electronic home monitoring, he or she will impose an alternative sentence which may include use of an ignition interlock device, additional jail time, work crew, work camp, or, beginning January 1, 2014, 24/7 sobriety program monitoring.

I understand that the 24/7 sobriety program is a 24 hour and 7 days a week sobriety program which requires tests of my blood, breath, urine or other bodily substances to find out if I have alcohol, marijuana, or any controlled substance in my body. I will be required to pay the fees and costs for the program.

(q) If this case involves reckless driving and the original charge was driving while under the influence of alcohol and/or being in actual physical control of a vehicle while under the influence of alcohol and/or drugs and I have one or more prior offenses, as defined in RCW 46.61.5055(14), within 7 years; or if the original charge was vehicular homicide (RCW 46.61.520) or vehicular assault (RCW 46.61.522) committed while under the influence of intoxicating liquor or any drug, I have been informed and understand that I will be subject to the penalties for Reckless Driving described in the "DUI" Attachment or the "Washington State Misdemeanor DUI Sentencing Attachment."

(r) If this case involves negligent driving in the first degree, and I have one or more

GREEN AND RITCHIE, P.L.L.C.

1601 Lincoln Avenue / Vancouver, WA 98660

(360) 694-8718 / Fax: (360) 693-7081

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1 prior offenses, as defined in RCW 46.61.5055(14), within 7 years, I have been  
2 informed and understand that I will be subject to the penalties for Negligent  
3 Driving – 1<sup>st</sup> Degree described in the “DUI” Attachment or the “Washington State  
4 Misdemeanor DUI Sentencing Attachment.”

5 [ ] (s) If this crime involves sexual misconduct with a minor in the second degree,  
6 communication with a minor for immoral purposes, or attempt, solicitation or  
7 conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as  
8 defined in RCW 9A.44.128, I will be required to register with the county sheriff as  
9 described in the “Offender Registration” Attachment.

10 [ ] (t) Pursuant to RCW 43.43.754, if this crime is an offense which requires sex or  
11 kidnapping offender registration, or is one of the following offenses: assault in the  
12 fourth degree with sexual motivation, communication with a minor for immoral  
13 purposes, custodial sexual misconduct in the second degree, failure to register,  
14 harassment, patronizing a prostitute, sexual misconduct with a minor in the  
15 second degree, stalking, or violation of a sexual assault protection order granted  
16 under chapter 7.90 RCW, I will be required to have a biological sample collected  
17 for purposes of DNA identification analysis, unless it is established that the  
18 Washington State Patrol crime laboratory already has a sample from me for a  
19 qualifying offense.

20 [ ] (u) **Travel Restrictions:** I will be required to contact my probation officer, the probation  
21 director or designee, or the court if there is no probation department, to request  
22 permission to travel or transfer to another state if I am placed on probation for one  
23 (1) year or more and this crime involves: (i) an offense in which a person has  
24 incurred direct or threatened physical or psychological harm; (ii) an offense that  
25 involves the use or possession of a firearm; (iii) a second or subsequent  
26 misdemeanor offense of driving while impaired by drugs or alcohol; (iv) a sexual  
27 offense that requires the offender to register as a sex offender in the sending  
28 state. I understand that I will be required to pay an application fee with my travel  
or transfer request.

7. I plead guilty to the crime of Driving Under the Influence as charged in the complaint(s) or  
citation(s) and notice. I have received a copy of that complaint or citation and notice. [ ]  
The complaint or citation and notice was orally amended and I waive filing of a written  
amended complaint or citation and notice.

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. **Statement of Facts:** The judge has asked me to state in my own words what I did that  
makes me guilty of the crime. This is my statement (state the specific facts that support  
each element of the crime):

On or about December 22, 2014, in Clark County, Washington, I operated a motor vehicle

on a public roadway while having a blood alcohol concentration (BAC) over .08 within two (2) hours of driving, contrary to RCW 46.61.502.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. 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.

Date: 01/22/2015

[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]

Prosecuting Authority

[Signature]  
Defendant's Lawyer

Adam N. Kick      27525  
Type or Print Name      WSBA No.

JACK GREEN, WSBA #35483  
Type or Print Name      WSBA No.

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

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

**Interpreter 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 translated 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: 1/22/15

[Signature]  
Judge

SK. MANIA COUNTY PROSECUTOR'S OFFICE  
MISDEMEANOR PRE-TRIAL OFFER

St. v. Gasperino

Defense Attorney Green

1. Plead guilty to these charges:

DUI 2.5 BAC on # \_\_\_\_\_, \_\_\_\_\_ on # \_\_\_\_\_  
\_\_\_\_\_ on # \_\_\_\_\_ on # \_\_\_\_\_

2. These charges will be dismissed:

\_\_\_\_\_ on # \_\_\_\_\_ on # \_\_\_\_\_  
\_\_\_\_\_ on # \_\_\_\_\_ on # \_\_\_\_\_

364-363-1

3. Sentence recommendation(s):

Charge \_\_\_\_\_  
 Suspend imposition of sentence  
2 Years Sup Probation w/the following conditions:  
5 years bench prob.

Obey all laws  
1 Days jail or 15 days EHM  
Work crew Ok \_\_\_\_\_ Wkends Ok \_\_\_\_\_

\$ Mand Min Fine + Assessments

Alcohol Evaluation & treatment  
\_\_\_\_\_ Drug Evaluation & treatment

Consume no alcoholic

Possess no alcohol or i

\_\_\_\_\_ No presence where alc  
illegal drugs are used,

\_\_\_\_\_ Search of person, reside

\_\_\_\_\_ Batterer's treatment

\_\_\_\_\_ Mental health counseli

\_\_\_\_\_ Other counseling per P

License suspension per D.O.L.

No driving w/o license & insurance

No drinking & driving (zero tolerance)

IID if required by D.O.L.

\_\_\_\_\_ No refusals

4. Other Conditions:

Restitution:  
\$ TOD to ERF to WSP (\$150 if no actual amount)  
\$ \_\_\_\_\_ to \_\_\_\_\_  
\$ \_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_ No contact w/these victim(s)/witness(es):  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ No Entry or Trespass:  
\_\_\_\_\_  
\_\_\_\_\_

Confiscate and  Forfeit the following:

firearm

\_\_\_\_\_ Possess no weapons

\_\_\_\_\_ CAA fees

Statutory Assessments

The following added conditions:

V.I.P., \$40/month (\$960) Supervision fees, \$150 Bench probation fees i.e released from Active probation prior to 5 year statutory period of jurisdiction.

No alcohol  
Following  
2000  
-5, the pocket  
knife.

5. Offer Closes PTR Signed ANK Date 4/20/15

Based on lack of criminal history & defendant's obvious willingness to take responsibility for actions & deal w/ any underlying issues (including inpatient treatment & IOP), defendant would be eligible for a 2 year stay of prosecution that successful completion of

Case Name: Daniel Gasperino Cause No.: 421107051

"DUI" Attachment: Driving under the influence of alcohol and/or actual physical control of a vehicle while under the influence of alcohol and/or drugs. (If required, attach to Statement of Defendant on Plea of Guilty.)

Court – DUI Sentencing Grid (RCW 46.61.5055 as amended by statute effective June 12, 2014)

BAC Result < .15 or No Test Result	No Prior Offense <sup>1</sup>	One Prior Offense <sup>1</sup>	Two or Three Prior Offenses <sup>1</sup>
Mandatory Minimum/Maximum Jail Time <sup>2</sup>	24 Consecutive Hours/364 Days	30/364 Days	90/364 Days
If Passenger Under 16 Mandatory Jail	Additional 24 Hours	Additional 5 Days	Additional 10 Days
EHM/Jail Alternative <sup>2</sup>	15 Days in Lieu of Jail	60 Days Mandatory/4 Days Jail Min.	120 Days Mandatory/8 Days Jail Min.
Mandatory Minimum/Maximum Fine <sup>3</sup>	\$940.50/\$5,000	\$1,195.50/\$5,000	\$2,045.50/\$5,000
If Passenger Under 16 Minimum/Maximum <sup>4</sup>	\$1,000/\$1,000-\$5,000 + assessments	\$1,000/\$2,000-\$5,000 + assessments	\$1,000/\$3,000-\$10,000 + assessments
Driver's License**	90-Day Suspension	2-Year Revocation	3-Year Revocation
II Driver's License* II Device	DOL imposed	DOL imposed	DOL imposed.
If Passenger Under 16 II Device	Additional 6 Months	Additional 6 Months	Additional 6 Months
24/7 Sobriety Program <sup>2</sup>	N/A	As Ordered	As Ordered
Alcohol/Drug Ed./Victim Impact or Treatment	As Ordered	As Ordered	As Ordered
Expanded alcohol assessment/treatment	N/A	As Ordered	Mandatory/treatment if appropriate

5000

BAC Result ≥ .15 or Test Refusal	No Prior Offense <sup>1</sup>	One Prior Offense <sup>1</sup>	Two or Three Prior Offenses <sup>1</sup>
Mandatory Minimum/Maximum Jail Time <sup>2</sup>	48 Consecutive Hours/364 Days	45/364 Days	120/364 Days
If passenger under 16 Mandatory Jail	Additional 24 Hours	Additional 5 Days	Additional 10 Days
EHM/Jail Alternative <sup>2</sup>	30 Days in Lieu of Jail	90 Days Mandatory/6 Days Jail Min.	150 Days Mandatory/10 Days Jail Min.
Mandatory Minimum/Maximum Fine <sup>3</sup>	\$1,195.50/\$5,000	\$1,620.50/\$5,000	\$2,895.50/\$5,000
If Passenger Under 16 Minimum/Maximum <sup>4</sup>	\$1,000/\$1,000-\$5,000 + assessments	\$1,000/\$2,000-\$5,000 + assessments	\$1,000/\$3,000-\$10,000 + assessments
Driver's License**	1-Year Revocation 2 Years if BAC refused	90-Days Revocation 3 Years if BAC refused	4-Year Revocation
II Driver's License* II Device	DOL imposed	DOL imposed	DOL imposed
If Passenger Under 16 II Device	Additional 6 Months	Additional 6 Months	Additional 6 Months
24/7 Sobriety Program <sup>2</sup>	N/A	As Ordered	As Ordered
Alcohol/Drug Ed./Victim Impact or Treatment	As Ordered	As Ordered	As Ordered

Expanded alcohol assessment/treatment	N/A	As Ordered	Mandatory/treatment if appropriate
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\* See Court and Department of Licensing (DOL) Ignition Interlock Requirements, page 5.

\*\* Driver's license minimum suspension/revocation. DOL may impose more.

Department of Licensing Required Ignition Interlock Device Requirements, RCW 46.20.720(3)(4) as amended with statutes effective through June 12, 2014*			
Requirement	No Previous Restriction no less than:	Previous 1-Year Restriction no less than:	Previous 5-Year Restriction no less than:
IID Device	1 Year	5 Years	10 Years
Restriction effective, until IID vendor certifies to DOL that none of the following occurred within four months prior to date of release: any attempt to start the vehicle with a BAC of .04 or more unless another test performed within 10 minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples; failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test; failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless another test performed within 10 minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; failure of the person to appear at the IID vendor when required.			

\* See Court and Department of Licensing (DOL) Ignition Interlock Requirements, page 5.

<sup>1</sup>**Prior Offenses:** Count all prior offenses where the arrest date of the prior offense occurred within seven years before or after the arrest date on the current offense. RCW 46.61.5055(14)(b). "Prior offense" is defined by RCW 46.61.5055(14)(a) to include—

- **Original Convictions for the following** (including equivalent local ordinances): (1) DUI (RCW 46.61.502); (2) Phys. Cont. (RCW 46.61.504); (3) Commercial Vehicle DUI/Phys. Control, RCW 46.25.110; (4) Watercraft DUI, RCW 79A.60.040; (5) Aircraft DUI, RCW 47.68.220; (6) Nonhighway vehicle DUI; RCW 46.09.470(2); (7) Snowmobile DUI, RCW 46.10.490(2); (8) Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) if either committed while under the influence; (9) Equiv. out-of-state statute for any of the above offenses.
- **Deferred Prosecution Granted for the following:** (1) DUI (RCW 46.61.502) (or equivalent local ordinance); (2) Phys. Cont. (RCW 46.61.504) (or equiv. local ordinance); (3) Neg. Driving 1st (RCW 46.61.5249, or equiv. local ord.), *if the person was originally charged with DUI or Phys. Cont. (or an equiv. local ord.), or Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522).* An equivalent out-of-state deferred prosecution for DUI or Phys. Contr., including a chemical dependency treatment program. If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in RCW 46.61.5055(14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing.
- **Amended Convictions for the following:** *If originally charged with DUI or Phys. Cont. or an equivalent local ordinance, or Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522); but convicted of (1) Neg. Driving 1st (RCW 46.61.5249), (2) Reckless Driving (RCW 46.61.500), (3) Reckless Endangerment (RCW 9A.36.050), (4) Equiv. out-of-state or local ordinance for the above offenses. If originally charged with Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) committed while under the influence of intoxicating liquor or any drug; but convicted of Veh. Hom. or Veh. Assault committed in a reckless manner or with the disregard for the safety of others.*
- **Deferred Sentences for the following:** *If originally charged with DUI or Phys. Cont. or an equivalent local ordinance, or Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522); but deferred sentence was imposed for (1) Neg. Driving 1st (RCW 46.61.5249), (2) Reckless Driving (RCW 46.61.500), (3) Reckless Endangerment (RCW 9A.36.050), (4) Equiv. out-of-state or local ordinance for the above offenses.*

<sup>2</sup>**Mandatory Jail, Electronic Home Monitoring (EHM), and 24/7 Sobriety Program:** If there are prior offenses within seven years before or after the arrest date of the current offense, the mandatory jail shall be served by imprisonment for the minimum statutory term and may not be suspended unless the

court finds that imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. The mandatory statutory term may not be converted to EHM. *Bremerton v. Bradshaw*, 121 Wn.App. 410, 88 P.3d 438 (Div. Two 2004). Where there are no prior offenses within seven years, the court may grant EHM instead of mandatory minimum jail. If there are prior offenses, the mandatory EHM may not be suspended unless the court finds that imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Instead of mandatory EHM, the court may order additional jail time.

If the 24/7 sobriety program is available: Where there is one prior offense, instead of mandatory EHM or additional jail time, the court may order 6-month 24/7 sobriety program monitoring, or a 6-month ignition interlock device requirement, or both. Where there are two or three prior offenses, the court shall order 6-month 24/7 sobriety program monitoring, or a 6-month ignition interlock device requirement, or both. The 24/7 sobriety program is a 24 hour and 7 days a week sobriety program which requires tests of the defendant's blood, breath, urine or other bodily substances to find out if there is alcohol, marijuana, or any controlled substance in his/her body. The defendant will be required to pay the fees and costs for the program. RCW 46.61.5055(1), (2), (3), (5). RCW 36.28A.330.

**Mandatory Conditions of Probation for any Suspended Jail Time:** The individual is not to: (i) drive a motor vehicle without a valid license to drive and proof of liability insurance or other financial responsibility (SR 22), (ii) drive or be in physical control of a vehicle while having an alcohol concentration of .08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher within two hours after driving, (iii) refuse to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drug. Except for ignition interlock driver's license and device or alcohol monitoring requirements under RCW 46.61.5055(5), violation of any mandatory condition requires a minimum penalty of 30 days' confinement, which may not be suspended or deferred, and an additional 30-day license suspension. RCW 46.61.5055(11). Courts are required to report violations of mandatory conditions requiring confinement or license suspension to DOL. RCW 46.61.5055.

**Mandatory Monetary Penalty:** PSEA 1, RCW 3.62.090(1); Alcohol Violators Fee, RCW 46.61.5054; Criminal Justice Funding (CJF) Penalty, RCW 46.64.055 (Note: RCW 3.62.090(1) and (2) apply to CJF penalty); Criminal Conviction Fee, RCW 3.62.085.

**If Passenger Under 16:** The interpretation of RCW 46.61.5055(6), regarding the fines, is unsettled. Some interpret it as setting a new mandatory minimum and maximum fine, replacing a fine in RCW 46.61.5055(1) – (3). Some interpret it as setting a fine that is in addition to one of those fines. Apply applicable assessments.

**Felony DUI and Felony Physical Control:** A current offense is a Class C felony punished under Ch.9.94A RCW if the defendant has (a) four prior convictions within ten years, or (b) one prior conviction of Veh. Homicide or Veh. Assault, or (c) a prior Class C felony resulting from (a) or (b). "Within ten years" means that the arrest for the prior offense occurred within ten years before or after the arrest for the current offense. RCW 46.61.5055(14)(c).

**Jurisdiction:** Court has five years jurisdiction.

**Department of Licensing - DUI Administrative Sanctions and Reinstatement Provisions  
(As amended through June 12, 2014)**

<b>Administrative Sanctions – RCW 46.20.3101</b>		
<b>REFUSED TEST</b>	<b><i>First Refusal Within 7 Years And No Prior Administrative Action Within Past 7 Years*</i></b>	<b><i>Second or Subsequent Refusal Within Past 7 Years OR First Refusal And At Least One Prior Administrative Action Within Past 7 Years*</i></b>
Adult	1-Year License Revocation	2-Year License Revocation
Minor	1-Year License Revocation	2-Year License Revocation Or Until Age 21 Whichever Is Longer
<b>BAC RESULT</b>	<b><i>First Administrative Action</i></b>	<b><i>Second or Subsequent Administrative Action</i></b>
Adults ≥ 0.08	90-Day License Suspension	2-Year License Revocation
Minors ≥ 0.02	90-Day License Suspension	1-Year License Revocation Or Until Age 21 Whichever Is Longer

\*Day for day credit for revocation period already served under suspension, revocation, or denial imposed under RCW 46.61.5055 and arising out of the same incident. RCW 46.20.3101(4).

<b>Ignition Interlock Driver's License, RCW 46.20.385 (amended through June 12, 2014)</b>
May apply for an Ignition Interlock Driver's License upon receiving RCW 46.20.308 notice or upon suspension or revocation. See "Court and Department of Licensing Ignition Interlock Requirements, page 4."

Note: An individual convicted of DUI or physical control will have his/her driving privilege placed in probationary status for five years from the date he/she is eligible to reinstate his/her driver's license (see RCW 46.61.5055 and 46.20.355). An individual granted a deferred prosecution under RCW 10.05.060 will have his/her driving privilege placed on probationary status for five years from the date of the incident, which was the basis for the deferred prosecution (see RCW 46.20.355 and 10.05.060).

<b>Requirements for Reinstatement of Driving Privilege</b>	
<b><i>Suspended License* (RCW 46.20.311)</i></b>	<b><i>Revoked License* (RCW 46.20.311)</i></b>
<ul style="list-style-type: none"> <li>• File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW (SR 22)</li> <li>• Present written verification by a company that it has installed the required ignition interlock device on a vehicle owned and/or operated by the person seeking reinstatement</li> <li>• Pay \$150 driver's license reissue fee</li> <li>• Driver's ability test NOT required</li> </ul>	<ul style="list-style-type: none"> <li>• File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW (SR22)</li> <li>• Present written verification by a company that it has installed the required ignition interlock device on a vehicle owned and/or operated by the person seeking reinstatement</li> <li>• Pay \$150 driver's license reissue fee</li> <li>• Satisfactorily complete a driver's ability test</li> </ul>

\*If suspension or revocation is the result of a criminal conviction, the driver must also show proof of either (1) enrollment and satisfactory participation in an approved alcohol treatment program or (2) completion of an alcohol information school, as determined by the court and/or treatment agency.

**Court and Department of Licensing (DOL) Ignition Interlock Requirements,  
RCW 46.20.380, 46.20.385**

<b>Ignition Interlock Driver's License, RCW 46.20.380, 46.20.385</b>	
<b>Eligible to Apply</b>	<ul style="list-style-type: none"> <li>• Conviction of violation of RCW 46.61.502, 46.61.504, or an equivalent local or out-of-state statute or ordinance, 46.61.520(1)(a), or 46.61.522(1)(b) involving alcohol.</li> <li>• License suspended, revoked, or denied under RCW 46.20.3101.</li> <li>• Proof of installed functioning ignition interlock device.</li> </ul>
<b>Requirements</b>	<ul style="list-style-type: none"> <li>• Proof of financial responsibility (SR 22).</li> </ul>
<b>Financial Obligations</b>	<ul style="list-style-type: none"> <li>• \$100 mandatory fee to DOL.</li> <li>• Costs to install, remove, and lease the ignition interlock device, and \$20 fee per month, unless waived.</li> </ul>
<b>Duration</b>	Extends through the remaining portion of any concurrent or consecutive suspension or revocation imposed as the result of administrative action and criminal conviction arising from the same incident.
<b>Operation with Other Requirements</b>	The time period during which the person is licensed under RCW 46.20.385 shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is required under RCW 46.20.720.

**Court Order to Comply with Rules and Requirements of DOL:** The court orders the person to comply with the rules and requirements of DOL regarding the installation and use of a functioning II device on all motor vehicles operated by the person. If the court orders the person to refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring and to pay for the monitoring unless the court specifies the cost will be paid with funds available from an alternative source identified by the court. RCW 46.61.5055(5).

**Court Ordered Discretionary Ignition Interlock (II) Device:** The court may order discretionary II device requirements that last up to the five years jurisdictional limit of the court. The court sets the duration and calibration level. Discretionary II device restrictions begin after any applicable period of suspension, revocation, or denial of driving privileges and after any DOL mandated II device restriction. The court sets the calibration level. RCW 46.20.720(1).

**Passenger Under Age 16:** The Court shall order the installation and use of an II device for an additional six months.

**Deferred Prosecution:** For application in DUI Deferred Prosecution, see RCW 46.20.720 and RCW 10.05.140, which require II device in a deferred prosecution of any alcohol-dependency based case.

**DOL Imposed Ignition Interlock (II) Device - RCW 46.20.720:** For all offenses occurring June 10, 2004 or later, DOL shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with a functioning II device if the person is convicted of "an alcohol-related" violation of DUI or Physical Control. The DOL required II device is not required on vehicles owned, leased, or rented by a person's employer or on those vehicles whose care and/or maintenance is the temporary responsibility of the employer and driven at the direction of a person's employer as a requirement of employment during business hours upon proof to DOL of employment affidavit. However, the employer exemption does not apply:

A. (First conviction): for the first 30 days after the ignition interlock device has been installed.

B. (Second or subsequent conviction): for the first 365 days after the ignition interlock device has been installed.

C. When the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment, the employer exemption does not apply. The person must pay a \$20 fee per month in addition to costs to install, remove, and lease the ignition interlock device. DOL may waive requirement if the device is not reasonably available in the local area. DOL will give day-for-day credit as allowed by law.



## Court – Reckless Driving/Negligent Driving – 1<sup>st</sup> Degree Sentencing Grid

(RCW 46.61.500, RCW 46.61.5249, RCW 46.20.720 as amended through  
June 12, 2014)

<b>Reckless Driving</b>	
<b>Conviction</b>	<b>Qualifications</b>
Reckless Driving (RCW 46.61.500(3)(a))	<ul style="list-style-type: none"> <li>• Original charge: Violation of DUI (RCW 46.61.502) or Phys. Control (RCW 46.61.504) or equivalent local ordinance.</li> <li>• One or More Prior Offenses within 7 years as defined above.</li> </ul>
Reckless Driving (RCW 46.61.500(3)(b))	<ul style="list-style-type: none"> <li>• Original charge; Violation of Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) committed while under the influence of intoxicating liquor or any drug.</li> </ul>
<b>Consequences</b>	
II Device	<ul style="list-style-type: none"> <li>• 6 Months.</li> <li>• Restriction remains in effect, until IID vendor certifies to DOL that none of the following incidents occurred within four months before date of release: any attempt to start the vehicle with a BAC of .04 or more unless another test performed within 10 minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples; failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test; failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless another test performed within 10 minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; failure of the person to appear at the IID vendor when required.</li> <li>• DOL will give day-for-day credit as allowed by law.</li> <li>• Costs to install, remove, and lease the ignition interlock device, and \$20 fee per month.</li> </ul>
Maximum Jail Time	<ul style="list-style-type: none"> <li>• 364 Days if convicted of reckless driving.</li> </ul>
Maximum Fine	<ul style="list-style-type: none"> <li>• \$5,000 if convicted of reckless driving.</li> </ul>
EHM	<ul style="list-style-type: none"> <li>• As ordered.</li> </ul>
Driver's License	<ul style="list-style-type: none"> <li>• 30-day suspension.</li> <li>• DOL will give day-for-day credit as allowed by law.</li> </ul>
II Driver's License	<ul style="list-style-type: none"> <li>• As imposed by DOL. May apply for II driver's license if original charge was violation of DUI (RCW 46.61.502) or Phys. Control (RCW 46.61.504) or equivalent local ordinance. If the Defendant is eligible to apply; but does not have a Washington driver's license, the defendant may apply for an II license. DOL may require the defendant to take a licensing examination and apply and qualify for a temporary restricted driver's license.</li> <li>• During any period of suspension, revocation or denial, a person who has obtained an II driver's license under RCW 46.20.385 may continue to drive without getting a separate temporary restricted driver's license.</li> </ul>
Alcohol/Drug Ed./Victim Impact or Treatment	<ul style="list-style-type: none"> <li>• As ordered.</li> </ul>

<b>Negligent Driving – 1<sup>st</sup> Degree</b>	
<b>Conviction</b>	<b>Qualifications</b>
Negligent Driving - 1st Degree (RCW 46.61.5249)	<ul style="list-style-type: none"> <li>• One or More Prior Offenses within 7 years as defined above.</li> </ul>
<b>Consequences</b>	
IID Device	<ul style="list-style-type: none"> <li>• 6 Months.</li> <li>• Restriction remains in effect, until IID vendor certifies to DOL that none of the following incidents occurred within four months before date of release: any attempt to start the vehicle with a BAC of .04 or more unless another test performed within 10 minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples; failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test; failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless another test performed within 10 minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; failure of the person to appear at the IID vendor when required.</li> </ul>
Maximum Jail Time	<ul style="list-style-type: none"> <li>• 90 Days if convicted of negligent driving in the 1<sup>st</sup> degree.</li> </ul>
Maximum Fine	<ul style="list-style-type: none"> <li>• \$1,000 if convicted of negligent driving in the 1<sup>st</sup> degree.</li> </ul>
EHM	<ul style="list-style-type: none"> <li>• As ordered.</li> </ul>
Driver's License	<ul style="list-style-type: none"> <li>• As imposed by DOL.</li> </ul>
Alcohol/Drug Ed./Victim Impact or Treatment	<ul style="list-style-type: none"> <li>• As ordered.</li> </ul>



SKAMANIA COUNTY DISTRICT COURT  
 COUNTY OF SKAMANIA  
 240 VANCOUVER AVENUE, ROOM 35  
 PO BOX 790  
 STEVENSON WA 98648-0790

Date: 01/21/2015

NO. WSP 4Z1107050

NOTICE OF HEARING

This is notification of the date for your MITIGATION hearing.

YOU MUST APPEAR ON Thursday January 22, 2015 at 10:30 AM (am/pm).  
(day of week) (date) (time)

Room: COURTROOM

GASPERINO, DANIEL ANTHONY  
 4312 NE 118TH ST  
 VANCOUVER WA 98686

FAILURE TO APPEAR ON THE ABOVE DATE WILL RESULT  
 IN THE SUSPENSION OF YOUR DRIVER'S LICENSE OR  
 PRIVILEGE UNTIL THE ORIGINAL PENALTY PLUS \$47.00  
 HAS BEEN PAID. THE UNPAID PENALTY MAY BE REFERRED  
 TO COLLECTION.

OD: 12/22/2014  
 GATES, T

NOTICE OF HEARING (IRLJ 2.6)

See Reverse side for Instructions

IRLJ-02.0200-1/81-WPF

THE ABOVE CAUSE HAS BEEN SET FOR TRIAL OR CONTINUED TO THE DATE, TIME AND LOCATION STATED BELOW.

SKAMANIA COUNTY DISTRICT COURT  
 240 N.W. VANCOUVER AVE., STEVENSON, WASHINGTON 98648

TIME 10:30 AM

DATE January 22, 2015

COURTROOM: COURTROOM JUDGE: REYNIER, RONALD H

COURT APPEARANCE IS MANDATORY

COURT APPEARANCE IS MANDATORY UNLESS \$ \_\_\_\_\_ CASH BAIL IS POSTED.

YOU MAY FORFEIT BAIL BY YOUR NON-APPEARANCE.

CC: Pros. Atty.: \_\_\_\_\_

Officer: \_\_\_\_\_

Defense Atty.: GREEN, JOHN LEHR

Bondsman: \_\_\_\_\_

Probation: \_\_\_\_\_

- ARRAIGNMENT\*
- TRIAL
- SENTENCING HEARING

\*See Reverse

By: COURT ADMINISTRATOR

FCB

# Skamania County District Court

State of Washington

RE: STATE OF WASHINGTON

CITY OF ~~COUNTY OF SKAMANIA~~

January 15, 2015

vs.

GASPERINO, DANIEL ANTHONY

240 N.W. VANCOUVER AVE.  
P.O. BOX 790  
STEVENSON, WASHINGTON 98648  
(509) 427-3780

Cause No. ~~4Z1187851 WSP CT~~

Violation Date: ~~12/22/2014~~

Violation:

DUI

GASPERINO, DANIEL ANTHONY  
4312 NE 118TH ST  
VANCOUVER WA 98686

## NOTICE OF CASE SETTING

THE ABOVE CAUSE HAS BEEN SET FOR TRIAL OR CONTINUED TO THE DATE, TIME AND LOCATION STATED BELOW.

SKAMANIA COUNTY DISTRICT COURT

240 N.W. VANCOUVER AVE., STEVENSON, WASHINGTON 98648

TIME ~~09:01 AM~~

DATE ~~February 02, 2015~~

COURTROOM: ~~COURTROOM~~ JUDGE ~~REYNIER, RONALD H~~

COURT APPEARANCE IS MANDATORY

COURT APPEARANCE IS MANDATORY UNLESS \$ \_\_\_\_\_ CASH BAIL IS POSTED.

YOU MAY FORFEIT BAIL BY YOUR NON-APPEARANCE.

CC: Pros. Atty.: \_\_\_\_\_

Officer: \_\_\_\_\_

Defense Atty.: ~~GREEN, JOHN LEHR~~

Bondsman: \_\_\_\_\_

Probation: \_\_\_\_\_

- ARRAIGNMENT\*
- TRIAL PRE-
- SENTENCING
- HEARING

\*See Reverse

By: ~~COURT ADMINISTRATOR~~

Court Clerk

EGP

FILED

JAN 14 2015

SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SKAMANIA

STATE OF WASHINGTON,

Plaintiff,

No. 4Z1107051

vs

DANIEL A. GASPERINO,

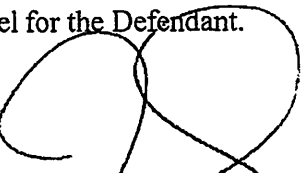
Defendant.

STIPULATED MOTION AND  
ORDER FOR CONTINUANCE OF  
PRETRIAL CONFERENCE

MOTION

The Defendant, Daniel Gasperino, by and through his attorney of record, Jack Green, and Special Prosecutor, Adam Kick, move this Court to continue the January 20, 2015, pretrial conference date in the above-entitled matter. This Motion is based upon the records and files herein and upon the following Declaration of counsel for the Defendant.

DATED this 14<sup>th</sup> day of January, 2015.



JACK GREEN, WSBA #35483  
Attorney for Defendant

DECLARATION

Jack Green, declares and says:

- 1) I am the attorney for the Defendant in this matter.
- 2) The parties have already conducted a telephone conference and discussed my

STIPULATED MOTION AND ORDER FOR

CONTINUANCE OF PRETRIAL CONFERENCE - Page 1 of 1

GREEN AND RITCHIE, P.L.L.C.  
1601 Lincoln Avenue / Vancouver, WA 98660  
(360) 694-8718 / Fax: (360) 693-7081

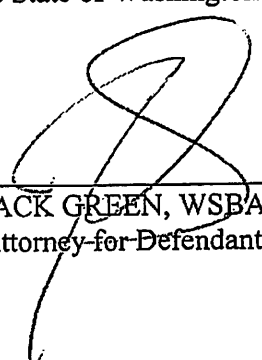
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1 unavailability as well as my client's at the January 20, 2015 pretrial conference.

- 2 3) Based on these discussions, the parties have agreed that the pretrial conference may  
3 properly be held on February 2, 2015 and that this will not impact any court dates set  
4 beyond February 2, 2015.

5 I declare under penalty of perjury under the laws of the State of Washington that the foregoing is  
6 true and correct.

7 DATED this 14<sup>th</sup> day of January, 2015.

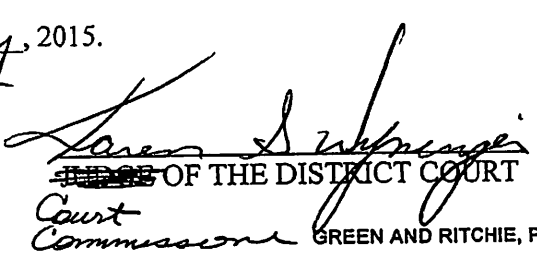
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10 JACK GREEN, WSBA #35483  
11 Attorney for Defendant

12 ORDER

13 THIS MATTER having come before this Court upon the Motion of the Defendant, Daniel  
14 Gasperino, by and through his attorney of record, Jack Green and Special Prosecutor, Adam  
15 Kick, and the Court having considered the records and files herein, the Declaration of  
16 Defendant's attorney, Jack Green, and deeming itself fully apprised in the premises, the Court  
17 finds that good cause exists for a continuance of the pretrial conference date, that neither side  
18 will be prejudiced thereby and that the Defendant is out of custody and his appearance at the  
19 previously scheduled pretrial conference on January 20, 2015, is waived.

20  
21 IT IS HEREBY ORDERED THAT the pretrial conference herein is rescheduled for  
22 February 2, 2015 at 9:00 a.m.

23  
24 DATED this 14<sup>th</sup> day of January, 2015.

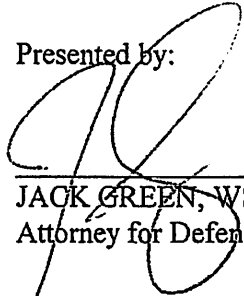
25  
26   
27 ~~JUDGE~~ OF THE DISTRICT COURT

28 Court Commissioner GREEN AND RITCHIE, P.L.L.C.  
1601 Lincoln Avenue / Vancouver, WA 98660  
(360) 694-8718 / Fax: (360) 693-7081

STIPULATED MOTION AND ORDER FOR

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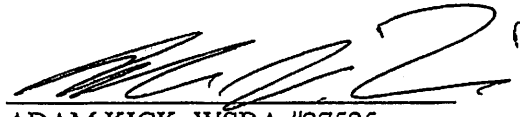
Presented by:



---

JACK GREEN, WSBA #35483  
Attorney for Defendant

Stipulated to by:



---

ADAM KICK, WSBA #27525  
Special Prosecutor

Skamania County District Court

State of Washington

RE: STATE OF WASHINGTON

CITY OF ~~COUNTY OF SKAMANIA~~

January 07, 2015

vs.

GASPERINO, DANIEL ANTHONY

240 N.W. VANCOUVER AVE.  
P.O. BOX 790  
STEVENSON, WASHINGTON 98648  
(509) 427-3780

Cause No. ~~4Z1107051 WSP CT~~  
Violation Date: ~~12/22/2014~~  
Violation:

DUI

GASPERINO, DANIEL ANTHONY  
4312 NE 118TH ST  
VANCOUVER WA 98686

NOTICE OF CASE SETTING

THE ABOVE CAUSE HAS BEEN SET FOR TRIAL OR CONTINUED TO THE DATE, TIME AND LOCATION STATED BELOW.

SKAMANIA COUNTY DISTRICT COURT  
240 N.W. VANCOUVER AVE., STEVENSON, WASHINGTON 98648

TIME ~~08:30 AM~~

DATE ~~March 06~~, 20~~15~~

COURTROOM: ~~COURTROOM~~ JUDGE: ~~REYNIER, RONALD H~~

COURT APPEARANCE IS MANDATORY

COURT APPEARANCE IS MANDATORY UNLESS \$ \_\_\_\_\_ CASH BAIL IS POSTED.

YOU MAY FORFEIT BAIL BY YOUR NON-APPEARANCE.

CC: Pros. Atty.: \_\_\_\_\_

Officer: \_\_\_\_\_

Defense Atty.: ~~GREEN, JOHN LEHR~~

Bondsman: \_\_\_\_\_

Probation: \_\_\_\_\_

- ARRAIGNMENT\*
- TRIAL JURY
- SENTENCING
- HEARING

\*See Reverse

By: ~~COURT ADMINISTRATOR~~

Court Clerk

FGR



Skamania County District Court

State of Washington

RE: STATE OF WASHINGTON

CITY OF ~~COUNTY OF SKAMANIA~~

January 07, 2015

vs.

GASPERINO, DANIEL ANTHONY

240 N.W. VANCOUVER AVE.  
P.O. BOX 790  
STEVENSON, WASHINGTON 98648  
(509) 427-3780

Cause No. ~~4Z1107051 WSP CT~~

Violation Date: ~~12/22/2014~~

Violation:

DUI

GASPERINO, DANIEL ANTHONY  
4312 NE 118TH ST  
VANCOUVER WA 98686

NOTICE OF CASE SETTING

THE ABOVE CAUSE HAS BEEN SET FOR TRIAL OR CONTINUED TO THE DATE, TIME AND LOCATION STATED BELOW.

SKAMANIA COUNTY DISTRICT COURT

240 N.W. VANCOUVER AVE., STEVENSON, WASHINGTON 98648

TIME ~~09:02 AM~~

DATE ~~February 17, 2015~~

STATUS CONFERENCE

COURTROOM: ~~COURTROOM~~ JUDGE: ~~REYNIER, RONALD H~~

COURT APPEARANCE IS MANDATORY

COURT APPEARANCE IS MANDATORY UNLESS \$ \_\_\_\_\_ CASH BAIL IS POSTED.

YOU MAY FORFEIT BAIL BY YOUR NON-APPEARANCE.

CC: Pros. Atty.: \_\_\_\_\_

Officer: \_\_\_\_\_

Defense Atty.: ~~GREEN, JOHN LEHR~~

Bondsman: \_\_\_\_\_

Probation: \_\_\_\_\_

- ARRAIGNMENT\*
- TRIAL
- SENTENCING
- HEARING OTH !

\*See Reverse

By: ~~COURT ADMINISTRATOR~~

Court Clerk

EGP

# Skamania County District Court

State of Washington

RE: STATE OF WASHINGTON

CITY OF ~~COUNTY OF SKAMANIA~~

January 07, 2015

vs.

GASPERINO, DANIEL ANTHONY

240 N.W. VANCOUVER AVE.  
P.O. BOX 790  
STEVENSON, WASHINGTON 98648  
(509) 427-3780

Cause No. ~~4Z1107051 WSP CT~~

Violation Date: ~~12/22/2014~~

Violation:

DUI

GASPERINO, DANIEL ANTHONY  
4312 NE 118TH ST  
VANCOUVER WA 98686

## NOTICE OF CASE SETTING

THE ABOVE CAUSE HAS BEEN SET FOR TRIAL OR CONTINUED TO THE DATE, TIME AND LOCATION STATED BELOW.

SKAMANIA COUNTY DISTRICT COURT

240 N.W. VANCOUVER AVE., STEVENSON, WASHINGTON 98648

TIME ~~09:01 AM~~

DATE ~~January 20~~, 20~~15~~

COURTROOM: ~~COURTROOM~~ JUDGE: ~~REYNIER, RONALD H~~

COURT APPEARANCE IS MANDATORY

COURT APPEARANCE IS MANDATORY UNLESS \$ \_\_\_\_\_ CASH BAIL IS POSTED.

YOU MAY FORFEIT BAIL BY YOUR NON-APPEARANCE.

CC: Pros. Atty.: \_\_\_\_\_

Officer: \_\_\_\_\_

Defense Atty.: ~~GREEN, JOHN LEHR~~

Bondsman: \_\_\_\_\_

Probation: \_\_\_\_\_

- ARRAIGNMENT\*
- TRIAL PRE-
- SENTENCING
- HEARING

\*See Reverse

By: ~~COURT ADMINISTRATOR~~  
Court Clerk

FGR

IN AND FOR THE STATE OF WASHINGTON  
SKAMANIA COUNTY DISTRICT COURT

State of Washington )  
Skamania County District Court )  
Plaintiff, ) No.: 4Z1107051  
vs ) Mandatory Court Dates  
Gasperino, Daniel A. )  
Defendant. )

---

All court dates are mandatory. You and your attorney are required to appear at all hearings.

Pre-Trial: Tuesday ~~Monday~~ January 20, 2015 @ 9:00 A.M.  
 Status Conference: Tuesday February 17, 2015 @ 9:00 A.M.  
 Jury Trial: Friday March 06, 2015 @ 8:30 A.M.

Your attorney will receive a copy of your citation(s) and the above listed mandatory court dates.

You are required to call your attorney on a weekly basis.

If your attorney is not available, leave your name, address and phone number.

If court dates are changed, your attorney will be notified. Then your attorney will notify you.

Signature:  Dated: 1/5/2015

I HEREBY ACKNOWLEDGE I have been given my court dates. I understand the court dates are mandatory and I will appear with my attorney. My attorney will notify me of any court date changes.

IN AND FOR THE STATE OF WASHINGTON  
COUNTY OF SKAMANIA

State of Washington )  
Skamania County District Court )  
 )  
 ) Plaintiff )  
 )  
 ) VS )  
 ) GASPERINO DANIEL )  
 ) Defendant. )

NO. 421107051  
ORDER OF RELEASE

YOU ARE HEREBY RELEASED ON THE FOLLOWING CONDITIONS:

YOUR PERSONAL RECOGNIZANCE:  
DURING RELEASE, YOU ARE TO  
ABIDE BY THE FOLLOWING  
CONDITIONS:

YOU ARE RELEASED ON BAIL  
BOND/CASH BAIL \_\_\_\_\_  
10% ACCEPTED: YES/NO YOU ARE  
TO ABIDE BY THE FOLLOWING  
CONDITIONS

YOU ARE RELEASED ON CONDITIONAL SUPERVISION:  
YOU HEREBY AGREE TO BE PLACED IN THE CUSTODY  
OF THE SUPERVISED RELEASE OFFICER AND ABIDE BY  
ALL CONDITIONS OR AGREEMENTS AS LISTED BELOW.

OFFENSE (S) DN.

You are to appear at all scheduled hearings, trial, and otherwise as required by Court.

You are to obey all laws.

You are to obtain and/or maintain full time employment/school.

You are to have no direct or indirect contact whatsoever with victims/witnesses. \_\_\_\_\_

\_\_\_\_\_ VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE UNDER CHAPTER 10.99 RCW AND WILL  
SUBJECT A VIOLATOR TO ARREST: ANY ASSAULT, DRIVE BY SHOOTING OR RECKLESS  
ENDANGERMENT THAT IS A VIOLATION OF THIS ORDER IS A FELONY.

\_\_\_\_\_ You are not to go to \_\_\_\_\_

You are to maintain contact with your attorney.

\_\_\_\_\_ Your court appointed attorney is \_\_\_\_\_

\_\_\_\_\_ Your travel is restricted to: \_\_\_\_\_

You are not to possess or use alcoholic beverages or drugs, unless prescribed by a doctor. Marijuana

\_\_\_\_\_ You are to be on anti-abuse for at least 24 hours before release from jail.

\_\_\_\_\_ and then take daily at \_\_\_\_\_

\_\_\_\_\_ You are not to possess or use any dangerous weapons, including but not limited to firearms.

\_\_\_\_\_ All weapons shall be surrendered to sheriff's office for safekeeping.

\_\_\_\_\_ You are to contact Adult Probation and Parole, in person/by phone at 240 Vancouver Avenue, Room 17,  
Stevenson, WA 98648: 509-427-3709 and follow his/her instructions.

\_\_\_\_\_ First contact shall be made before release from jail.

\_\_\_\_\_ Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Your address is \_\_\_\_\_

\_\_\_\_\_ Your address shall be verified by Sheriff's Office.

\_\_\_\_\_ That defendant is welcome at the address.

\_\_\_\_\_ There is no criminal activity at the address, past or present.

\_\_\_\_\_ There are no weapons (firearms) at the address.

YOU WILL RESIDE WITH: \_\_\_\_\_

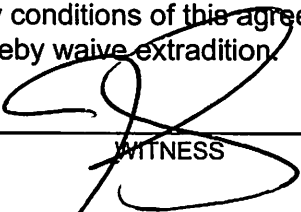
YOU MUST OBTAIN PERMISSION FROM THE COURT BEFORE MOVING.

GENERAL CONDITION: I do hereby agree that I shall appear at all times and places as ordered by the Court. Further, I shall appear for trial; and, if convicted, appear for judgement and execution of judgement. I will obey all Orders of the Court and comply with any conditions the Court may impose, including but not limited to those listed above.

I understand that if I violate any condition of this release agreement, I may be immediately arrested and then detained pending trial.

FAILURE TO APPEAR: Should you be released under this agreement, with the requirement of a subsequent personal appearance before this or any other Court of the State of Washington, and should you knowingly fail to appear without lawful excuse, you may be charged with the crime of FAIL TO APPEAR.

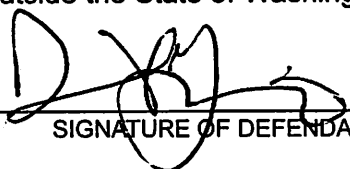
I understand that I am liable for those penalties as prescribed by law for willful failure to appear or for violations of any conditions of this agreement upon which I am released. If I am apprehended outside the State of Washington, I hereby waive extradition.

  
\_\_\_\_\_

WITNESS

*Attorney*  
\_\_\_\_\_

TITLE

  
\_\_\_\_\_

SIGNATURE OF DEFENDANT

THIS ORDER CONTINUES IN EFFECT UNTIL YOUR CASE IS CONCLUDED.

SO ORDERED THIS 5 DAY OF June, 2015.  
TTT

Judge/Court Commissioner  
Skamania County District Court

# Skamania County District Court

District Court of Washington  
For Skamania County

State of Washington

Plaintiff,

v.

DANIEL GASPHERINO

Defendant,

Physical Address:

4312 NE 118th St

Vancouver, WA 98686

Mailing Address:

1601 LINCOLN AVE

Vancouver, WA 98660

Case: 4Z1107051

Statement of Charges and  
Defendant's Rights

Charge(s):

1. DUI

2.

3.

4.

5.

6.

Maximum penalty:

Gross Misdemeanor maximum is 364 days jail and a \$5,000.00 fine (GM)

Misdemeanor maximum is 90 days jail and a \$1,000.00 fine (M)

DG I have received a copy of charges, been advised of the elements and understand the maximums.

DG I have been advised of my rights as follows:

- (a) The right to a jury trial.
- (b) The right to an attorney. If you cannot afford an attorney, one can be provided at public expense.
- (c) The right to remain silent before and during trial.
- (d) The right at trial to hear and question the witness who testify for or against you.
- (e) You are presumed innocent unless the charge is proven beyond a reasonable doubt.
- (f) The right to appeal a guilty finding after a trial.

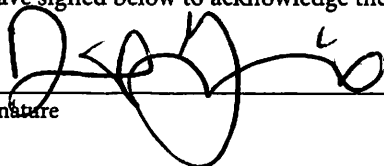
DG I understand those rights.

You may represent yourself, hire an attorney or have the court appoint an attorney if you are financially eligible. Subsequent court dates will be set and given to you in court today. You must appear for all court dates.

Do you wish a court-appointed attorney? Yes \_\_\_\_\_ No X

I have signed below to acknowledge the above rights.

Signature



Date

1/5/2015

Skamania County District Court

State of Washington

RE: STATE OF WASHINGTON

CITY OF ~~COUNTY OF SKAMANIA~~

January 02, 2015

vs.

PERINO, DANIEL ANTHONY

GASPERINO, DANIEL ANTHONY
4312 NE 118th Street
VANCOUVER, WASHINGTON 98685

240 N.W. VANCOUVER AVE.
P.O. BOX 790
STEVENSON, WASHINGTON 98648
(509) 427-3780

Cause No. 4Z1107051 WSP CT

Violation Date: 12/22/2014

Violation: DUI

NOTICE OF CASE SETTING

THE ABOVE CAUSE HAS BEEN SET FOR TRIAL OR CONTINUED TO THE DATE, TIME AND LOCATION STATED BELOW.

SKAMANIA COUNTY DISTRICT COURT
240 N.W. VANCOUVER AVE., STEVENSON, WASHINGTON 98648

TIME 01:30 PM

DATE January 05, 20 2015

COURTROOM: COURTROOM JUDGE: REYNIER, RONALD H PRELIMINARY APPEAR

X COURT APPEARANCE IS MANDATORY

COURT APPEARANCE IS MANDATORY UNLESS \$ CASH BAIL IS POSTED.

YOU MAY FORFEIT BAIL BY YOUR NON-APPEARANCE.

CC: Pros. Atty.:

Officer:

Defense Atty.:

Bondsman:

Probation:

- ARRAIGNMENT\*
TRIAL
SENTENCING
X HEARING OTH
\*See Reverse

By: COURT ADMINISTRATOR

CCD

FILED

JAN 02 2015

SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA

FILED

DEC 24 2014

DISTRICT COURT  
CLARK COUNTY, WASH.

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IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CLARK

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 DANIEL GASPERINO, )  
 )  
 Defendant. )

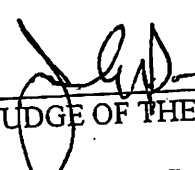
NO. 4Z1107050 and 4Z1107051

AGREED ORDER  
FOR CHANGE OF VENUE

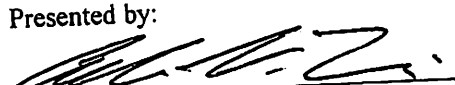
THE STATE OF WASHINGTON, Plaintiff, and Defendant, by and through his attorney  
of record, Jack Green, hereby stipulate to a change of venue of the above-entitled case, pursuant  
to CrRLJ 5.2(b)(1), and the Court having considered the records and files herein;

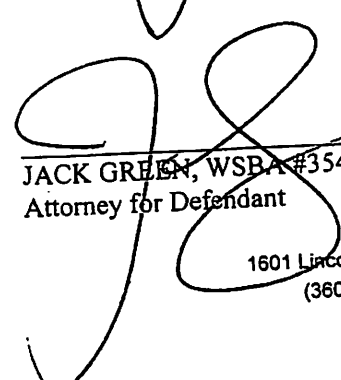
IT IS HEREBY ORDERED ADJUDGED AND DECREED that the above-entitled cause  
numbers shall be immediately transferred from the Clark County District Court to the Skamania  
County District Court, together with any and all records and files herein.

DATED this 24<sup>th</sup> day of December, 2014.

  
JUDGE OF THE DISTRICT COURT

Presented by:

  
ADAM N. KICK, WSBA #27525  
Appointed Prosecuting Attorney

  
JACK GREEN, WSBA #35483  
Attorney for Defendant

GREEN AND RITCHIE, P.L.L.C.  
1601 Lincoln Avenue / Vancouver, WA 98660  
(360) 694-8718 / Fax: (360) 693-7081

AGREED ORDER FOR  
CHANGE OF VENUE - Page 1

CAUSE NO. 4Z1107050 and 4Z1107051

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SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA

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DISTRICT COURT  
CLARK COUNTY, WASH.

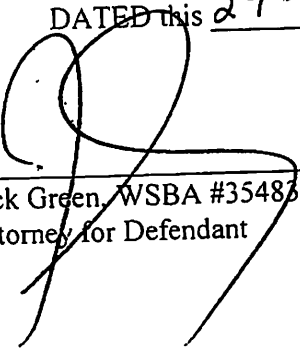
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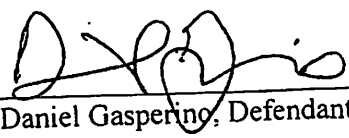
IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CLARK

STATE OF WASHINGTON,	)	
	)	NO. 4Z1107050 and 4Z1107051
Plaintiff,	)	
vs.	)	WAIVER OF VENUE
	)	
DANIEL GASPERINO,	)	
	)	
Defendant.	)	

I, Daniel Gasperino, the named Defendant in the above-entitled case, after being duly informed that I have a constitutional right to a trial by judge or jury on the above matter in the county of my residence, and with that knowledge, I hereby expressly waive my right to venue in Clark County District Court, and consent to venue and personal jurisdiction Skamania County District Court.

DATED this 24<sup>th</sup> day of December, 2014.

  
Jack Green, WSBA #35488  
Attorney for Defendant

  
Daniel Gasperino, Defendant

WAIVER OF VENUE - 1

GREEN AND RITCHIE, P.L.L.C.  
1601 Lincoln Avenue / Vancouver, WA 98660  
(360) 694-8718 / Fax: (360) 693-7081

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SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA

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**DEC 24 2014**  
DISTRICT COURT  
CLARK COUNTY, WASH.

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CLARK

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 DANIEL GASPERINO, )  
 )  
 Defendant. )

NO. 4Z1107050 and 4Z1107051  
AGREED MOTION FOR ORDER  
FOR CHANGE OF VENUE

COMES NOW, the State of Washington, and Defendant, by and through his attorney of record, Jack Green, upon the stipulated motion of the parties; insofar as the Clark County Prosecuting Attorney's Office has asked that a special prosecutor be assigned to this case, namely, Adam N. Kick, Skamania County Prosecutor; and in consideration of the convenience of conflict counsel; and in anticipation of the possibility of potential conflicts arising in Clark County District Court; the parties move the Court for an Order changing venue of the above-entitled case from Clark County District Court to Skamania County District Court, in the interest of justice and pursuant to CrRLJ 5.2(b)(1). Furthermore, the parties stipulate that the currently assigned court may hear argument and rule on preliminary motions and it shall not be construed as a ruling or

///

GREEN AND RITCHIE, P.L.L.C.  
1601 Lincoln Avenue / Vancouver, WA 98660  
(360) 694-8718 / Fax: (360) 693-7081

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SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA

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DEC 24 2014

DISTRICT COURT  
CLARK COUNTY, WASH.

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CLARK

8	STATE OF WASHINGTON,	)	
		)	NO. 4Z1107050 and 4Z1107051
9	Plaintiff,	)	
		)	NOTICE OF APPEARANCE;
10	v.	)	DEMAND FOR DISCOVERY;
		)	BILL OF PARTICULARS; AND
11	DANIEL GASPERINO,	)	OMNIBUS APPLICATION
		)	
12		)	
	Defendant.	)	
13		)	

14 PLEASE TAKE NOTICE that the below-named attorney hereby enters his appearance  
15 on behalf of the Defendant, Daniel Gasperino.

16 FURTHER, PLEASE TAKE NOTICE that, pursuant to the authority of CrR 4.7,  
17 CrRLJ 4.7, CrRLJ 6.13(c)(2), Local Rules governing discovery, ER 705, RCW 10.58.010,  
18 10.37.050, et seq., 46.61.502, 504 and 506, 42.17.260, the Fourth, Fifth, Sixth and Fourteenth  
19 Amendments to the United States Constitution, and Article 1, Sections 3, 7, 29, and 30, and the  
20 Tenth Amendment to the Washington State Constitution;  
21

22 THE DEFENDANT HEREBY makes the following demands, motions, and requests for  
23 discovery in the matter pending under this Cause Number;  
24

25 Bill of Particulars

26 A written Bill of Particulars, including a description of all facts upon which the  
27

1 prosecution intends to reply to support the charge pending against the Defendant, and a copy of  
2 the specific statute or ordinance under which the Defendant is charged;

3 **Police Reports**

4 Copies of any and all police or investigative reports (including field notes), and  
5 statements of all potential witnesses including all documentation of results of physical or mental  
6 examinations and/or scientific tests, experiments, or comparisons made in connection with the  
7 charge pending against the Defendant.  
8

9 **List of Witnesses**

10 The names and addresses of any and all persons whom the Plaintiff intends to call as  
11 witnesses at the hearing or trial, together with any and all written or recorded statements, and the  
12 substance of any oral statements of such witnesses, together with a summary of the expected  
13 testimony of any witness the Plaintiff intends to call if the substance of the expected testimony is  
14 not contained in the materials otherwise provided;  
15

16 **Miranda Rights/242 Rights**

17 Copies of any and all forms read to or signed by the Defendant containing information  
18 regarding his rights under CrRLJ 3.1 and/or RCW 46.61.506 and 46.20.308, including  
19 information regarding the claimed basis for the arrest of the Defendant and allegedly giving rise  
20 to the mandatory provisions of RCW 46.20.308;  
21

22 **Statements of Defendant/Demand for CrRLJ 3.5 Hearing**

23 Copies of any written or recorded statements and the substance of any oral statements  
24 made by the Defendant. **Take notice that the Defendant hereby demands a hearing pursuant**  
25 **to CrRLJ 3.5** if the prosecution intends to offer any such statements at the time of trial;  
26  
27

1           **Exhibits**

2           A list of, copies of, and access to any books, papers, documents, photographs, diagrams,  
3 illustrative exhibits, or other tangible objects which the Prosecuting Attorney or any of its  
4 witnesses intend to use or make reference to at hearing or trial;

5           **Items Seized from Defendant**

6           A list of everything which was seized from or belonging to the Defendant, regardless of  
7 whether the Prosecutor intends to introduce said items at hearing or trial;

8           **Tape or Video Recordings, Etc.**

9           Copies of or access to any recordings, video-tapes or tape recordings made of the  
10 Defendant pursuant to the arrest in this case;

11           **Prior Convictions**

12           Any record of prior criminal conviction known to the Prosecuting Attorney of the  
13 Defendant or persons whom the Prosecuting Attorney intends to call as witnesses at the hearing  
14 or trial;

15           **Exculpatory Evidence**

16           Disclosure of any material or information within the Prosecutor's knowledge or control  
17 which tends to negate the Defendant's guilt as to the offense charged, or to any material element  
18 thereof;

19           **911 Tapes, Etc.**

20           A copy of any "911 tapes" or other tape recordings containing information relative to this  
21 case and all radio broadcasts and transmissions occurring between the officer who detained,  
22 arrested and/or transported the Defendant on the date of the alleged incident herein, and any other  
23

1 agency, officer or station during the course of the detention, arrest, transportation, testing and  
2 booking or charging of the Defendant;

3 **Radio Logs**

4 A copy of all radio calls logged at the location of the breath test administered to the  
5 Defendant ten minutes before through 10 minutes after the time of the test;

6  
7 **DataMaster Records**

8 A copy of the most current record of all breath tests administered on the particular  
9 machine along with the machine's evaluation, maintenance and certification records, including  
10 repairs, replacement of parts, unscheduled maintenance and reports of any malfunctions or  
11 difficulties by any person whomsoever in the history of the instrument's use, along with all  
12 documentary information relative to the machine's performance;

13  
14 **Preservation of Samples**

15 Preservation of and access to any blood, breath, or urine samples taken from the  
16 defendant as a result of investigation of the charges pending herein for the purpose of retesting  
17 the same.

18  
19 **Experts Demanded at Trial**

20 The defendant objects to proof of any material fact at hearing or trial by affidavit or  
21 certificate. A certified BAC Verifier DataMaster technician and the person(s) who conducted  
22 any quality assurance tests as well as the person(s) responsible for preparing, storing, and  
23 installing the simulator solution concerned herein **IS HEREBY DEMANDED AT HEARING**  
24 **OR TRIAL**, including any and all records pertaining to the preparation, checking and  
25 installation of the simulator solution used in this case, including the gas chromatograph charts  
26  
27

1 regarding the solution in accordance with CrRLJ 6.13 and RCW 46.61.506(6), along with a copy  
2 of his or her permit.

3 **IF THE PROSECUTOR INTENDS TO OFFER SAID WITNESSES AS "EXPERT**  
4 **WITNESSES"**, Defendant requests discovery of his or her education and training, both general  
5 and specific to the subject of his or her testimony, experience relative to the operation,  
6 maintenance, and theory of the instrument used to test the defendant's blood or breath or  
7 simulator solution and a description of the place, date, and subject matter of all training taken by  
8 said witnesses regarding the instrument in question and a full description of any experiments in  
9 which said witnesses have participated or about which he or she may testify, and any documents,  
10 studies, reports or other materials relied on or material to any aspect of his or her testimony;  
11

12  
13 Demand that the prosecuting authority produce all expert witnesses at trial as to any fact  
14 intended to be presented at trial whether material or not, pursuant to CrRLJ 6.13, including but  
15 not limited to an electronic speed measuring device expert.

16 **Retrograde Extrapolation**

17 The Defendant demands notice if the prosecution intends to offer testimony regarding  
18 "retrograde extrapolation" and, if so, the name of the expert witness, his/her credentials,  
19 education, training and experience and disclosure of any documents, studies, reports or other  
20 materials relied on or material to any aspect of his or her testimony;  
21

22 **Widmark's Formula**

23 The Defendant demands notice if the prosecution intends to offer testimony regarding  
24 "Widmark's Formula" and, if so, the name of the expert witness, his/her credentials, education,  
25 training and experience and disclosure of any documents, studies, reports or other materials  
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1 relied on or material to any aspect of his or her testimony.

2 **Alcohol Impairment Testimony**

3 The Defendant demands notice if the prosecution intends to offer medical or scientific  
4 testimony regarding the effects of alcohol on driving ability, physical or mental impairment, etc.,  
5 and if so, the name of the expert witness, his/her credentials, education, training and experience  
6 and disclosure of any documents, studies, reports or other materials relied on or material to any  
7 aspect of his or her testimony.  
8

9 **Operator's Qualifications**

10 A copy of the permit issued by the State Toxicologist to the **operator** who administered  
11 any tests of the Defendant's breath or blood, the effective dates of that permit, together with a  
12 description of the training taken by that operator which qualified him/her for certification, along  
13 with the dates and places that training was completed;  
14

15 **Instructor's Qualifications**

16 A copy of the permit issued by the State Toxicologist to the **instructor** who trained the  
17 operator referred to in paragraph 24 above, together with a description of the training taken by  
18 that instructor which qualified him/her for certification, along with the dates and places that  
19 training was completed;  
20

21 **Technician's Qualifications**

22 A copy of that permit issued by the State Toxicologist to any **technician** who has  
23 performed maintenance, repair, adjustment, regular service, or any other work whatsoever on the  
24 DataMaster used in the administration of the breath test to the Defendant herein, together with a  
25 description of the training taken by that instructor which qualified him/her for certification, along  
26  
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1 with the dates and places that training was completed;

2 **Solution Changer's Qualifications**

3 A copy of the permit issued by the State Toxicologist to the individual **who most**  
4 **recently changed the simulator solution** prior to the date on which the Defendant herein  
5 submitted to a test of his/her breath on the BAC Verifier DataMaster used herein, together with a  
6 description of the training taken by that solution changer which qualified him/her for  
7 certification, along with the dates and places that training was completed;

8 **Any Other Experts Demanded**

9 The disclosure and presence of any other expert witnesses **IS HEREBY DEMANDED**  
10 **AT HEARING OR TRIAL**, along with a copy of his or her qualifications, together with all  
11 information requested in paragraph 32 above regarding the subject matter of said witnesses'  
12 testimony.

13 **Speedy Trial Demanded**

14 Defendant objects to the date of arraignment, demands trial within the time period  
15 required by CrRLJ 3.3, objects to any trial date not so set and moves the court for an order setting  
16 a trial date within the speedy trial rule time limits;

17 **Objection to Citation/Complaint**

18 Defendant further objects to the sufficiency of the charging document, the failure of the  
19 prosecution to properly verify it, objects to the untimely filing of same and moves to dismiss all  
20 charges pending herein;

21 **Failure to Comply**

22 **YOU ARE FURTHER NOTIFIED** that failure to comply with these requests will result

1 in the defendant moving for appropriate relief at time of hearing or trial.

2 DATED this 25<sup>th</sup> day of December, 2014.

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5 JACK GREEN, WSBA #35483  
6 Of Attorney for Defendant  
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**JAN 02 2015**

**SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA**

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SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA

4Z1107051 WSP CT

APPENDIX "A"  
DRIVING UNDER THE INFLUENCE  
BEING IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE

4 (b). I am charged with the crime of "Driving While Under the Influence of intoxicating liquor or drug" or "Being in Actual Physical Control of a Motor Vehicle while under the influence of intoxicating liquor or drug", in violation of RCW 46.61.502 or RCW 46.61.504, the elements of which are that : A person drives or has actual physical control of a vehicle within this state:

- a) and the person has, within two hours after driving or being in actual physical control, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or
- b) while the person is under the influence of or affected by intoxicating liquor or any drug; or
- c) while the person is under the combined influence of or affected by intoxicating liquor and any drug.

6(a). THE MAXIMUM SENTENCE IS 364 DAYS JAIL AND/OR \$5,000 FINE  
(See DUI Attachment for complete details)

11. In Clark County, Washington, on the date indicated on the criminal complaint or citation, I drove or had actual physical control of a motor vehicle within this state:

- a). while having, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of my breath or blood made under RCW 46.61.506; or
- b). while I was under the influence of or affected by intoxicating liquor or any drug; or
- c). while I was under the combined influence of or affected by intoxicating liquor and any drug.

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**JAN 02 2015**

**SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA**



**Court – DUI Sentencing Grid**

(RCW 46.61.5055 as amended by statute effective June 12, 2014)

<b>BAC Result &lt; .15 or No Test Result</b>	<b>No Prior Offense<sup>1</sup></b>	<b>One Prior Offense<sup>1</sup></b>	<b>Two or Three Prior Offenses<sup>1</sup></b>
Mandatory Minimum /Maximum Jail Time <sup>2</sup>	24 Consecutive Hours/364 Days	30/364 Days	90/364 Days
If Passenger Under 16 Mandatory Jail	Additional 24 hours	Additional 5 days	Additional 10 days
EHM/Jail Alternative <sup>2</sup>	15 Days in Lieu of Jail	60 Days Mandatory/ 4 Days Jail Min.	120 Days Mandatory/ 8 Days Jail Min.
Mandatory Minimum /Maximum Fine <sup>3</sup>	\$940.50/\$5,000	\$1,195.50/\$5,000	\$2,045.50/\$5,000
If Passenger Under 16 Minimum/Range <sup>4</sup>	\$1,000/\$1,000-\$5,000 + assessments	\$1,000/\$2,000-\$5,000 + assessments	\$1,000/\$3,000-\$10,000 + assessments
Driver's License**	90-Day Suspension	2-Year Revocation	3-Year Revocation
II Driver's License* II Device	DOL imposed	DOL imposed	DOL imposed
If Passenger Under 16 II Device	Additional 6 Months	Additional 6 Months	Additional 6 Months
24/7 Sobriety Program <sup>2</sup>	N/A	As Ordered	As Ordered
Alcohol/Drug Ed./Victim Impact or Treatment	As Ordered	As Ordered	As Ordered
Expanded alcohol assessment/treatment	N/A	As Ordered	Mandatory/treatment if appropriate

<b>BAC Result ≥ .15 or Test Refusal</b>	<b>No Prior Offense<sup>1</sup></b>	<b>One Prior Offense<sup>1</sup></b>	<b>Two or Three Prior Offenses<sup>1</sup></b>
Mandatory Minimum /Maximum Jail Time <sup>2</sup>	48 Consecutive hours- /364 Days	45/364 Days	120/364 Days
If passenger under 16 Mandatory Jail	Additional 24 hours	Additional 5 days	Additional 10 days
EHM/Jail Alternative <sup>2</sup>	30 Days in Lieu of Jail	90 Days Mandatory/ 6 Days Jail Min.	150 Days Mandatory/ 10 Days Jail Min.
Mandatory Minimum/ Maximum Fine <sup>3</sup>	\$1,195.50/\$5,000	\$1,620.50/\$5,000	\$2,895.50/\$5,000
If Passenger Under 16 Minimum/Range <sup>4</sup>	\$1,000/\$1,000-\$5,000 + assessments	\$1,000/\$2,000-\$5,000 + assessments	\$1,000/\$3,000-\$10,000 + assessments
Driver's License**	1-Year Revocation 2 Years if BAC refused	900-Days Revocation 3 Years if BAC refused	4-Year Revocation
II Driver's License* II Device	DOL imposed	DOL imposed	DOL imposed
If Passenger Under 16 II Device	Additional 6 Months	Additional 6 Months	Additional 6 Months
24/7 Sobriety Program <sup>2</sup>	N/A	As ordered	As Ordered
Alcohol/Drug Ed./Victim Impact or Treatment	As Ordered	As Ordered	As Ordered
Expanded alcohol assessment/treatment	N/A	As Ordered	Mandatory/treatment if appropriate

\* See Court and Department of Licensing (DOL) Ignition Interlock Requirements, page 5.

\*\*Driver's license minimum suspension/revocation. DOL may impose more.

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SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA



**Department of Licensing Required Ignition Interlock Device Requirements, RCW 46.20.720(3), (4) as amended with statutes effective through June 12, 2014.\***

Requirement	No Previous Restriction – no less than:	Previous 1-Year Restriction – no less than:	Previous 5-Year Restriction – no less than:
IID Device	1 Year	5 Years	10 Years

Restriction effective, until IID vendor certifies to DOL that none of the following occurred within four months prior to date of release: any attempt to start the vehicle with a BAC of .04 or more unless another test performed within 10 minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples; failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test; failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless another test performed within 10 minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; failure of the person to appear at the IID vendor when required.

\* See Court and Department of Licensing (DOL) Ignition Interlock Requirements, page 5.

**1Prior Offenses:** Count all prior offenses where the arrest date of the prior offense occurred within seven years before or after the arrest date on the current offense. RCW 46.61.5055(14)(b). "Prior offense" is defined by RCW 46.61.5055(14)(a) to include –

- **Original Convictions for the following** (including equivalent local ordinances): (1) DUI (RCW 46.61.502); (2) Phys. Cont. (RCW 46.61.504); (3) Commercial Vehicle DUI/Phys. Control, RCW 46.25.110; (4) Watercraft DUI, RCW 79A.60.040 ; (5) Aircraft DUI, RCW 47.68.220; (6) Nonhighway vehicle DUI, RCW 46.09.470(2); (7) Snowmobile DUI, RCW 46.10.490(2); (8) Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) if either committed while under the influence; (9) Equiv. out-of-state statute for any of the above offenses.
- **Deferred Prosecution Granted for the following:** 1) DUI (RCW 46.61.502) (or equivalent local ordinance); (2) Phys. Cont. (RCW 46.61.504) (or equiv. local ordinance); (3) Neg. Driving 1st (RCW 46.61.5249, or equiv. local ord.), *if the person was originally charged with DUI or Phys. Cont. (or an equiv. local ord.), or Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522).* An equivalent out-of-state deferred prosecution for DUI or Phys. Contr., including a chemical dependency treatment program. If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in RCW 46.61.5055(14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing.
- **Amended Convictions for the following:** *If originally charged with DUI or Phys. Cont. or an equivalent local ordinance, or Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522);* but convicted of (1) Neg. Driving 1st (RCW 46.61.5249), (2) Reckless Driving (RCW 46.61.500), (3) Reckless Endangerment (RCW 9A.36.050), (4) Equiv. out-of-state or local ordinance for the above offenses. *If originally charged with Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) committed while under the influence of intoxicating liquor or any drug;* but convicted of Veh.Hom. or Veh. Assault committed in a reckless manner or with the disregard for the safety of others.
- **Deferred Sentences for the following:** *If originally charged with DUI or Phys. Cont. or an equivalent local ordinance, or Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522);* but deferred sentence was imposed for (1) Neg. Driving 1st (RCW 46.61.5249), (2) Reckless Driving (RCW 46.61.500), (3) Reckless Endangerment (RCW 9A.36.050), (4) Equiv. out-of-state or local ordinance for the above offenses.

**2Mandatory Jail, Electronic Home Monitoring (EHM), and 24/7 Sobriety Program:** If there are prior offenses with an arrest date within seven years before or after the arrest date of the current offense, the mandatory jail shall be served by imprisonment for the minimum statutory term and may not be suspended unless the court finds that imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. The mandatory statutory term may not be converted to EHM. Where there are no prior offenses within seven years, the court may grant EHM instead of mandatory minimum jail. If there are prior offenses, the mandatory EHM may not be suspended unless the court finds that imposition of this mandatory minimum sentence would impose a substantial

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SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA



risk to the offender's physical or mental well-being. Instead of mandatory EHM, the court may order additional jail time.

If the 24/7 sobriety program is available: Where there is one prior offense, instead of mandatory EHM or additional jail time, the court may order 6-month 24/7 sobriety program monitoring, or a 6-month ignition interlock device requirement, or both. Where there are two or three prior offenses, the court shall order 6-month 24/7 sobriety program monitoring, or a 6-month ignition interlock device requirement, or both. The 24/7 sobriety program is a 24 hour and 7 days a week sobriety program which requires tests of the defendant's blood, breath, urine, or other bodily substances to find out if there is alcohol, marijuana, or any controlled substance in his/her body. The defendant will be required to pay the fees and costs for the program. RCW 46.61.5055(1), (2), (3), (5). RCW 36.28A.330.

**Mandatory Conditions of Probation for any Suspended Jail Time:** The individual is not to:

(i) drive a motor vehicle without a valid license to drive and proof of liability insurance or other financial responsibility (SR 22), (ii) drive or be in physical control of a vehicle while having an alcohol concentration of .08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher within two hours after driving, (iii) refuse to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drug. Except for Ignition interlock driver's license and device or alcohol monitoring requirements under RCW 46.61.5055(5), violation of **any** mandatory condition, requires a minimum penalty of 30 days' confinement, which may not be suspended or deferred, and an additional 30-day license suspension. RCW 46.61.5055(11). Courts are required to report violations of mandatory conditions requiring confinement or license suspension to DOL. RCW 46.61.5055.

**Mandatory Monetary Penalty:** PSEA 1, RCW 3.62.090(1); Alcohol Violators Fee, RCW 46.61.5054; Criminal Justice Funding (CJF) Penalty, RCW 46.64.055 (Note: RCW 3.62.090(1) and (2) apply to CJF penalty); Criminal Conviction Fee, RCW 3.62.085.

**If Passenger Under 16:** The interpretation of RCW 46.61.5055(6), regarding the fines, is unsettled. Some interpret it as setting a new mandatory minimum and maximum fine, replacing a fine in RCW 46.61.5055(1) – (3). Some interpret it as setting a fine that is in addition to one of those fines. Apply applicable assessments.

**Felony DUI and Felony Physical Control:** A current offense is a Class C felony punished under Ch. 9.94A RCW if the defendant has (a) four prior convictions within ten years, or (b) one prior conviction of Veh. Homicide or Veh. Assault, or (c) a prior Class C felony resulting from a or b. "Within ten years" means that the arrest for the prior offense occurred within ten years before or after the arrest for the current offense. RCW 46.61.5055(14)(c).

**Jurisdiction:** Court has five years jurisdiction.

**FIL 10**

**JAN 02 2015**

**SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA**



**Department of Licensing - DUI Administrative Sanctions  
and Reinstatement Provisions**  
(As amended through June 12, 2014)

<b>ADMINISTRATIVE SANCTIONS - RCW 46.20.3101</b>		
<b>REFUSED TEST</b>	<i>First Refusal Within 7 Years And No Prior Administrative Action Within Past 7 Years*</i>	<i>Second or Subsequent Refusal Within Past 7 Years OR First Refusal And At Least One Prior Administrative Action Within Past 7 Years*</i>
Adult	1-Year License Revocation	2-Year License Revocation
Minor	1-Year License Revocation	2-Year License Revocation Or Until Age 21 Whichever Is Longer
<b>BAC RESULT</b>	<i>First Administrative Action</i>	<i>Second or Subsequent Administrative Action</i>
Adults $\geq$ 0.08	90-Day License Suspension	2-Year License Revocation
Minors $\geq$ 0.02	90-Day License Suspension	1-Year License Revocation Or Until Age 21 Whichever Is Longer

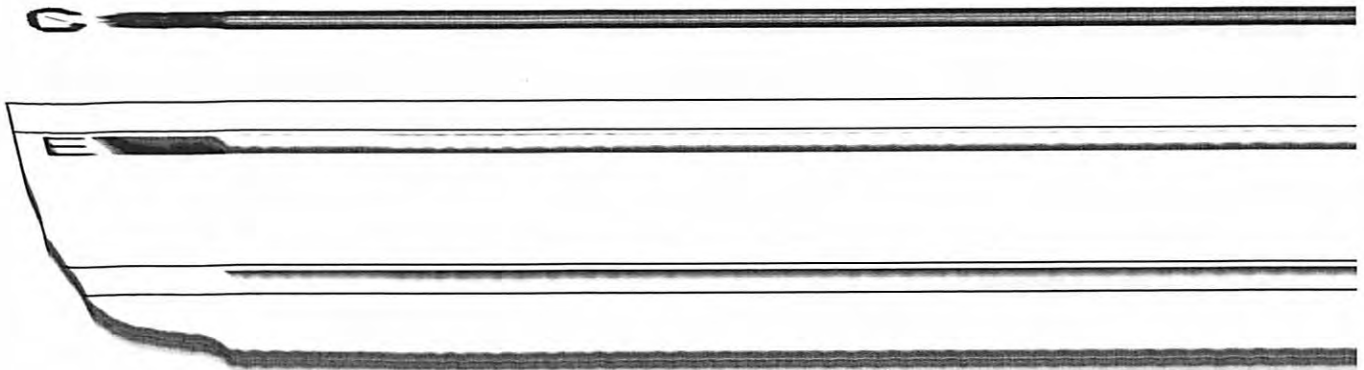
\*Day for day credit for revocation period already served under suspension, revocation, or denial imposed under RCW 46.61.5055 and arising out of the same incident.—RCW 46.20.3101(4).

<b>Ignition Interlock Driver's License, RCW 46.20.385 (amended through June 12, 2014)</b>
May apply for an Ignition Interlock Driver's License upon receiving RCW 46.20.308 notice or upon suspension or revocation. See "Court and Department of Licensing Ignition Interlock Requirements, page 4."

Note: An individual convicted of DUI or physical control will have his/her driving privilege placed in probationary status for five years from the date he/she is eligible to reinstate his/her driver's license (see RCW 46.61.5055 and 46.20.355). An individual granted a deferred prosecution under RCW 10.05.060 will have his/her driving privilege placed on probationary status for five years from the date of the incident, which was the basis for the deferred prosecution (see RCW 46.20.355 and 10.05.060).

<b>REQUIREMENTS FOR REINSTATEMENT OF DRIVING PRIVILEGE</b>	
<i>Suspended License* (RCW 46.20.311)</i>	<i>Revoked License* (RCW 46.20.311)</i>
<ul style="list-style-type: none"> <li>File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW (SR 22)</li> <li>Present written verification by a company that it has installed the required ignition interlock device on a vehicle owned and/or operated by the person seeking reinstatement</li> <li>Pay \$150 driver's license reissue fee</li> <li>Driver's ability test NOT required</li> </ul>	<ul style="list-style-type: none"> <li>File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW (SR22)</li> <li>Present written verification by a company that it has installed the required ignition interlock device on a vehicle owned and/or operated by the person seeking reinstatement</li> <li>Pay \$150 driver's license reissue fee</li> <li>Satisfactorily complete a driver's ability test.</li> </ul>

\*If suspension or revocation is the result of a criminal conviction, the driver must also show proof of either (1) enrollment and satisfactory participation in an approved alcohol treatment program or (2) completion of an alcohol information school, as determined by the court and/or treatment agency.





**FILED**

**JAN 02 2015**

**SKAMANIA CO. DISTRICT COURT**  
**STEVENSON, WA**  
WASHINGTON  
**COURTS**

**Court – Reckless Driving/Negligent Driving – 1<sup>st</sup> Degree  
Sentencing Grid  
(RCW 46.61.500, RCW 46.61.5249, RCW 46.20.720 as amended through  
June 12, 2014)**

<b>Reckless Driving</b>	
<b>Conviction</b>	<b>Qualifications</b>
Reckless Driving (RCW 46.61.500(3)(a))	<ul style="list-style-type: none"><li>Original charge: Violation of DUI (RCW 46.61.502) or Phys. Control (RCW 46.61.504) or equivalent local ordinance.</li><li>One or More Prior Offenses within 7 years as defined above.</li></ul>
Reckless Driving (RCW 46.61.500(3)(b))	<ul style="list-style-type: none"><li>Original charge: Violation of Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) committed while under the influence of intoxicating liquor or any drug.</li></ul>
<b>Consequences</b>	
II Device	<ul style="list-style-type: none"><li>6 Months.</li><li>Restriction remains in effect, until IID vendor certifies to DOL that none of the following incidents occurred within four months before date of release: any attempt to start the vehicle with a BAC of .04 or more unless another test performed within 10 minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples; failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test; failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless another test performed within 10 minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; failure of the person to appear at the IID vendor when required.</li><li>DOL will give day-for-day credit as allowed by law.</li><li>Costs to install, remove, and lease the ignition interlock device, and \$20 fee per month.</li></ul>
Maximum Jail Time	<ul style="list-style-type: none"><li>364 days if convicted of reckless driving.</li></ul>
Maximum Fine	<ul style="list-style-type: none"><li>\$5,000 if convicted of reckless driving.</li></ul>
EHM	<ul style="list-style-type: none"><li>As ordered.</li></ul>
Driver's License	<ul style="list-style-type: none"><li>30-day suspension.</li><li>DOL will give day-for-day credit as allowed by law.</li></ul>
II Driver's License	<ul style="list-style-type: none"><li>As imposed by DOL. May apply for II driver's license if original charge was violation of DUI (RCW 46.61.502) or Phys. Control (RCW 46.61.504) or equivalent local ordinance. If the Defendant is eligible to apply, but does not have a Washington driver's license, the defendant may apply for an II license. DOL may require the defendant to take a licensing examination and apply and qualify for a temporary restricted driver's license.</li><li>During any period of suspension, revocation or denial, a person who has obtained an II driver' license under RCW 46.20.385 may continue to drive without getting a separate temporary restricted-driver's-license.</li></ul>
Alcohol/Drug Ed./Victim Impact or Treatment	<ul style="list-style-type: none"><li>As ordered.</li></ul>

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JAN 02 2015

SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA



**Court and Department of Licensing (DOL) Ignition Interlock Requirements, RCW 46.20.380, 46.20.385**

<b>Ignition Interlock Driver's License, RCW 46.20.380, 46.20.385</b>	
<b>Eligible to Apply</b>	<ul style="list-style-type: none"> <li>• Conviction of violation of RCW 46.61.502, 46.61.504, or an equivalent local or out-of-state statute or ordinance, 46.61.520(1)(a), or 46.61.522(1)(b) involving alcohol.</li> <li>• License suspended, revoked, or denied under RCW 46.20.3101.</li> <li>• Proof of installed functioning ignition interlock device.</li> </ul>
<b>Requirements</b>	<ul style="list-style-type: none"> <li>• Proof financial responsibility (SR 22).</li> </ul>
<b>Financial Obligations</b>	<ul style="list-style-type: none"> <li>• \$100 mandatory fee to DOL.</li> <li>• Costs to install, remove, and lease the ignition interlock device, and \$20 fee per month, unless waived.</li> </ul>
<b>Duration</b>	Extends through the remaining portion of any concurrent or consecutive suspension or revocation imposed as the result of administrative action and criminal conviction arising from the same incident.
<b>Operation with Other Requirements</b>	The time period during which the person is licensed under RCW 46.20.385, shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is required under RCW 46.20.720.

**Court Order to Comply with Rules and Requirements of DOL:** The court orders the person to comply with the rules and requirements of DOL regarding the installation and use of a functioning ignition interlock (II) device on all motor vehicles operated by the person. If the court orders a person to refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring and to pay for the monitoring unless the court specifies the cost will be paid with funds available from an alternative source identified by the court. RCW 46.61.5055(5).

**Court Ordered Discretionary Ignition Interlock (II) Device:** The court may order discretionary II device requirements that last up to the five years jurisdictional limit of the court. The court sets the duration and calibration level. Discretionary II device restrictions begin after any applicable period of suspension, revocation, or denial of driving privileges and after any DOL mandated II device restriction. The court sets the calibration level. RCW 46.20.720(1).

**Passenger Under Age 16:** The Court shall order the installation and use of an II device for an additional six months.

**Deferred Prosecution:** For application in DUI Deferred Prosecution, see RCW 46.20.720 and RCW 10.05.140, which require II device in a deferred prosecution of any alcohol-dependency based case.

**DOL Imposed Ignition Interlock (II) Device - RCW 46.20.720:** For all offenses occurring June 10, 2004 or later, DOL shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with a functioning II device if the person is convicted of "an alcohol-related" violation of DUI or Physical Control. The DOL required II device is not required on vehicles owned, leased, or rented by a person's employer or on those vehicles whose care and/or maintenance is the temporary responsibility of the employer and driven at the direction of a person's employer as a requirement of employment during business hours upon proof to DOL of employment affidavit. However, the employer exemption does not apply:

- A. (First conviction): for the first 30 days after the ignition interlock device has been installed.
- B. (Second or subsequent conviction): for the first 365 days after the ignition interlock device has been installed.
- C. When the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment.

The person must pay a \$20 fee per month in addition to costs to install, remove, and lease the ignition interlock device. DOL may waive requirement if the device is not reasonably available in the local area. DOL will give day-for-day credit as allowed by law.

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JAN 02 2015

SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA



**Department of Licensing - DUI Administrative Sanctions  
and Reinstatement Provisions**  
(As amended through June 12, 2014)

<b>ADMINISTRATIVE SANCTIONS - RCW 46.20.3101</b>		
<b>REFUSED TEST</b>	<b><i>First Refusal Within 7 Years And No Prior Administrative Action Within Past 7 Years*</i></b>	<b><i>Second or Subsequent Refusal Within Past 7 Years OR First Refusal And At Least One Prior Administrative Action Within Past 7 Years*</i></b>
Adult	1-Year License Revocation	2-Year License Revocation
Minor	1-Year License Revocation	2-Year License Revocation Or Until Age 21 Whichever Is Longer
<b>BAC RESULT</b>	<b><i>First Administrative Action</i></b>	<b><i>Second or Subsequent Administrative Action</i></b>
Adults $\geq 0.08$	90-Day License Suspension	2-Year License Revocation
Minors $\geq 0.02$	90-Day License Suspension	1-Year License Revocation Or Until Age 21 Whichever Is Longer

\*Day for day credit for revocation period already served under suspension, revocation, or denial imposed under RCW 46.61.5055 and arising out of the same incident.—RCW 46.20.3101(4).

<b>Ignition Interlock Driver's License, RCW 46.20.385 (amended through June 12, 2014)</b>
May apply for an Ignition Interlock Driver's License upon receiving RCW 46.20.308 notice or upon suspension or revocation. See "Court and Department of Licensing Ignition Interlock Requirements, page 4."

Note: An individual convicted of DUI or physical control will have his/her driving privilege placed in probationary status for five years from the date he/she is eligible to reinstate his/her driver's license (see RCW 46.61.5055 and 46.20.355). An individual granted a deferred prosecution under RCW 10.05.060 will have his/her driving privilege placed on probationary status for five years from the date of the incident, which was the basis for the deferred prosecution (see RCW 46.20.355 and 10.05.060).


<b>REQUIREMENTS FOR REINSTATEMENT OF DRIVING PRIVILEGE</b>	
<b><i>Suspended License* (RCW 46.20.311)</i></b>	<b><i>Revoked License* (RCW 46.20.311)</i></b>
<ul style="list-style-type: none"> <li>• File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW (SR 22)</li> <li>• Present written verification by a company that it has installed the required ignition interlock device on a vehicle owned and/or operated by the person seeking reinstatement</li> <li>• Pay \$150 driver's license reissue fee</li> <li>• Driver's ability test NOT required</li> </ul>	<ul style="list-style-type: none"> <li>• File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW (SR22)</li> <li>• Present written verification by a company that it has installed the required ignition interlock device on a vehicle owned and/or operated by the person seeking reinstatement</li> <li>• Pay \$150 driver's license reissue fee</li> <li>• Satisfactorily complete a driver's ability test</li> </ul>

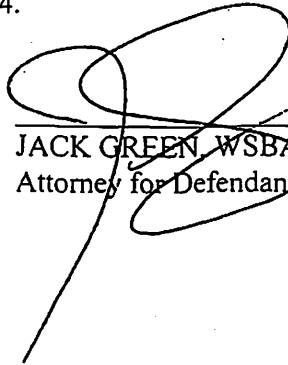
\*If suspension or revocation is the result of a criminal conviction, the driver must also show proof of either (1) enrollment and satisfactory participation in an approved alcohol treatment program or (2) completion of an alcohol information school, as determined by the court and/or treatment agency.

1 ///

2 order involving discretion for the purposes of RCW 4.12.050

3 DATED this 24<sup>th</sup> day of December, 2014.

4   
5 \_\_\_\_\_  
6 ADAM N. KICK, WSBA #27525  
7 Appointed Prosecuting Attorney

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9 \_\_\_\_\_  
10 JACK GREEN, WSBA #35483  
11 Attorney for Defendant

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18 **FILED**  
19 **JAN 02 2015**

20 **SKAMANIA CO. DISTRICT COURT**  
21 **STEVENSON, WA**

FILED

JAN 02 2015

SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA



<b>Negligent Driving – 1<sup>st</sup> Degree</b>	
<b>Conviction</b>	<b>Qualifications</b>
Negligent Driving - 1st Degree (RCW 46.61.5249)	<ul style="list-style-type: none"><li>• One or More Prior Offenses within 7 years as defined above.</li></ul>
<b>Consequences</b>	
IID Device	<ul style="list-style-type: none"><li>• 6 Months.</li><li>• Restriction remains in effect, until IID vendor certifies to DOL that none of the following incidents occurred within four months before date of release: any attempt to start the vehicle with a BAC of .04 or more unless another test performed within 10 minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples; failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test; failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless another test performed within 10 minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; failure of the person to appear at the IID vendor when required.</li></ul>
Maximum Jail Time	<ul style="list-style-type: none"><li>• 90 days if convicted of negligent driving in the 1<sup>st</sup> degree.</li></ul>
Maximum Fine	<ul style="list-style-type: none"><li>• \$1,000 if convicted of negligent driving in the 1<sup>st</sup> degree.</li></ul>
EHM	<ul style="list-style-type: none"><li>• As ordered.</li></ul>
Driver's License	<ul style="list-style-type: none"><li>• As imposed by DOL.</li></ul>
Alcohol/Drug Ed./Victim Impact or Treatment	<ul style="list-style-type: none"><li>• As ordered.</li></ul>

**FILE**

**JAN 02 2015**

**SKAMANIA CO. DISTRICT COURT  
STEVENSON, WA**

**IN THE DISTRICT COURT OF CLARK COUNTY,**

**4Z1107051 WSP CT**

STATE OF WASHINGTON )  
 CITY VAN./CAMAS/WASH. )  
  
 Plaintiff, )  
  
 v. )  
  
 Defendant. )

CASE NO. \_\_\_\_\_

**CRIMINAL COURT DOCKET**

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