

Exhibit 1

November 26, 1996

Judge A. Eugene Hammermaster presiding.

From Tape No. 96-50

City of Sumner v. Daniel Link, Case No. 15779

Judge: Daniel Link. All right, Mr. Link, do you know why you're before the court?

Defendant: Yes, I do, sir.

Judge: And why are you before the court?

Defendant: Because I have failed to comply with what I've stated in the (inaudible).

Judge: Then any reason why I should even be talking to you?

Defendant: No, there isn't.

Judge: Okay, so you should just remain in jail until somebody comes and pays it.

Defendant: No, I have, I tried all (inaudible)--

Judge: Beg your pardon?

Defendant: Well, I've been in jail, well I've been in custody ever since Friday, Friday morning or whatever, I tried all my sources, nobody will bail me out. The only thing I can ask of you now, I do not expect you to give me this chance, I wanted to see you under different circumstances, the only thing I can beg of you now is to give me this last shot. I do not choose to drive behind, get behind a vehicle ever again. I just landed a job in Auburn, I just moved into Auburn so I have other means of getting to work other than driving.

Judge: Well, what we're talking about here is the promise you made back in March and this court order that was entered at that time and your failure to live up to it.

Defendant: Yes, sir.

Judge: That's what we're talking about now. And that doesn't have anything to do with your driving, it has to do with your not living up your promise.

Defendant: I haven't made enough money to just barely make rent and I just moved into a place where, it's---

Judge: They why didn't you come back and talk to me?

Defendant: I have no reason why I did not do that.

Judge: Then why shouldn't I treat you the same way you treated me? So that's back to my original question, should I not just allow you to remain in jail?

Defendant: By rights I would, that's what I'm expecting you to do, but I ask of you not to.

Judge: Why should I not do it?

Defendant: Because this is the last time I will allow myself to not comply with what I tell you. I can't believe that, this is the third time I've had to see you for this, such matter and---

Judge: In other words what I should do is find you in contempt of court, should I not?

Defendant: Yes, you should.

Judge: And if I do that, then you're going to have to pay 40 dollars a day, each day you're in jail, which means you'd be in jail the rest of your life because every week you'd owe another 300, every month you'd owe another roughly 1200, every year you'd owe roughly another 15 thousand.

Defendant: All I wish to do right now is to get back and see if my present job will still take me back to work and the only thing I can do is.

Judge: But I'm not going to let you out unless I have some assurance that this is going to get paid.

Defendant: It will.

Judge: And I can't trust you. That means if I'm going to let you out Mr. Link you're going to have to have a guarantor. That's somebody who will pay it if you don't, or that it'll be paid direct from your employment, that your employer pays a portion of your salary. Those would be the two possibilities that I could see whereby I---

Defendant: How would I go about---

Judge: I'd allow you to be released from jail.

Defendant: How can I go about getting that information?

Judge: Cause I can't trust you.

Defendant: I know you can't trust me.

Judge: Beg your pardon?

Defendant: I know that very well. I have no reason to ask you, for you to trust me except for that I can only uphold to what I say.

Judge: It's just a matter of, before I'm going to release you then it's going to be that some third party is going to agree to make the payment if you don't. Or your employer will take the money straight out of your paycheck and mail it direct to the court so it doesn't come into your hands.

Defendant: I can ask them to do that.

Judge: That's the two choices that I could see where I would consider allowing you to be released.

Defendant: If I still am employed, I just started the job, I just was on my third day, Friday was my third day and then Saturday was my first day off, I was supposed to go back Sunday. I have no idea if I still have a job.

Judge: Well, you probably need to call him and tell him what's happened.

Defendant: I'm hoping my roommate has done so already.

Judge: Well, you're still going to need to either have a third party guarantee the debt, what you owe, or you're going to have to have your employer agree to pay a portion of your earnings. By whom are you employed?

Defendant: 7-11 on A Street in Auburn.

Judge: And what do you do for them?

Defendant: I'm a cashier.

Judge: And how much do you earn?

Defendant: I just started so I completely really forgot of what my wage was.

Judge: How many hours a day are you working?

Defendant: Eight.

Judge: So it's a 40 hour week?

Defendant: Yes sir.

Judge: And how often do you get paid?

Defendant: Pardon?

Judge: How often do you get paid?

Defendant: I believe it was every week, I haven't received a first pay check yet, I just started the job and I was just looking forward to making payments on this.

Judge: Well, if your employer will agree to withhold 112 dollars and 50 cents, in fact make it 115 dollars out of the first check and 110 out of the second check, I will allow you to be released. But you employer has to agree to pay it.

Defendant: How do I get to, how do I obtain that?

Judge: He's going to have to write a letter to the court. Whether you have a friend go pick it up or he mails it or whatever, that's up to you, but you're not going to get released from this jail until I get that from your employer. Or some third party agrees to make the payment if you don't.

Defendant: Then I can't see myself being released sir.

Judge: Okay, then I guess not. Why would you not be released?

Defendant: Because I have nobody to help me. The only thing I can do is do this myself.

Judge: Then you need to get on the telephone.

Defendant: It's not going to do me any good.

Judge: Why not?

Defendant: Because I just started the job, he's not going to do that for me. I'm sure he's gonna just, I can't call him, I can't even, I called my old roommate and they don't even accept the collect charges.

Judge: Where are you calling to?

Defendant: My residence I just moved into in Auburn.

Judge: Why is that a collect call?

Defendant: From this jail?

Judge: It's not collect from the jail, is it?

Defendant: Yes.

Judge: Why is that?

Defendant: Any call I'm wishing to make is collect.

City: Every phone call is collect from the jail.

Judge: I see, I see.

Defendant: I do not ask you to trust me, Your Honor, but the only thing I can do is to finally set into my brain is to take care of this once and for all and not come back here under these circumstances.

Judge: I can't trust you. You've lied to me too many times. I have to assume you're lying

again.

City: Your Honor, I'll make a phone available.

Judge: All right, we'll make the phone available to you. So that's two ways you can get out of jail. Somebody agrees to make the payments if you don't, or your employer agrees to take it out of your paycheck.

Defendant: I don't see him doing that.

Judge: Beg your pardon?

Defendant: I don't see how he is going to allow me---

Judge: Then your other alternative is to find somebody to make the payments if you don't. I mean clearly if somebody that knows you can't trust you, you're not going to expect me, to whom you've lied numerable times, to trust you.

Defendant: It's not about nobody can trust me, it's just nobody will give me the chance to get. My own mother won't even listen to me, won't even give me the chance to ask her to borrow 225 dollars.

Judge: I didn't say borrow. I said be a guarantor.

Defendant: I don't know what you mean by that, sir.

Judge: If you don't make the payment, then whoever is guarantor will make the payment for you.

Defendant: I doubt I can find someone to do that for me.

Judge: That's what I'm saying, if people you know don't trust you to make the payment, how in the world can you expect me to trust you, a person to whom you've lied several times?

Defendant: I do not know, sir.

Judge: I can't, I can't trust you, and you're telling me people that know you can't trust you. Cause you don't know a single soul who would trust you to make the payments you're supposed to make to the court.

Defendant: I haven't even tried to ask.

Judge: Okay, well, I'm telling you that's your choices, sir. Your choice is to not find somebody to pay it for you, but to find somebody who will pay it if you don't pay it. To find somebody who will trust you to pay it. To find somebody who will believe the promises you're making to me. You've made a promise to me here today that you want to pay this off over a certain period of time. I'm not going to trust you. If you

find another person who will trust you, I will accept that other person's trust.

Defendant: So what are you asking me to do? If I was to call my mother and tell her I promise to you to make 225 dollars by the end of this month, or not by the end of this month, by the first of this next year if at all possible, then if I don't then she has to pay it?

Judge: Right, right. And you don't know anybody that will trust you? And so how in the world do you expect me, a person to whom you've lied time, after time, after time, to trust you?

Defendant: I can't count on anybody to do this for me. If I haven't found anybody to borrow me the money since I've been here.

Judge: You don't need to have anybody to borrow you the money, all you need to do is find somebody who will believe what you say.

Defendant: I don't understand. Am I supposed to tell them I told the judge I can make 225 dollars by such and such a date---

Judge: And I'm telling you friend, mother, relative, this is what I'm going to do. Will you sign to get me out of jail? The risk you're taking friend, mother is that I'm lying to you and I won't make the payment by the end of December.

Defendant: So all they have to do is come down and sign on my word saying to them that I will pay you.

Judge: And that if you don't, they will.

Defendant: Okay, so then---

Judge: I mean why are we having so much trouble communicating sir? Why is this difficult for you to understand?

Defendant: It's not, it's not, I understand totally now.

Judge: I mean, you're saying you're going to pay this by a certain date. I'm saying I don't believe you, find somebody else who will believe you. A friend, a relative, or what have you. Somebody else who will say, sure I believe you Mr. Link, I'll sign to get you out of jail because I think you'll pay it by the end of December and if you don't, I will.

Defendant: But I won't put them in that place where they have to pay, I will pay it.

Judge: Well, that's between you and them. That's what I'm saying, if you can't find somebody who will trust you, how in the world do you expect me to trust you, the person to whom you've lied several times?

Defendant: Okay, after I leave here today and if I don't make contact with somebody that would

do this for me, what do I do then?

Judge: I guess you stay in jail the rest of your life. I can't think of any other alternative. I've given you two alternatives. If you want to come up with a third one, do so, but I gave you two of them. And I guess you don't like either one of them because number one, you don't think your employer will write a check to the court, and number two, you apparently don't think you can find anybody who will trust you. That suggests to me that you've lied to a lot of other people as well.

Defendant: No, no, I just, I can't call my grandmother to call because she will then call my mother and my mother will say I won't do it, so why should you. Nobody just thinks that I worth giving the chance to. I haven't given anybody a reason for that.

Judge: Well, you've sure given me reasons. You've lied to me time after time after time. Maybe you've lied to them too, I don't know. You've given me lots of reasons to throw the key away.

Defendant: I know that, sir.

Judge: In fact, I guess you should feel fortunate that at this point I've not found you in contempt of court.

Defendant: I do, sir.

Judge: Because then you owe 40 dollars for every day you're in jail. Do you understand your two choices as to how you can get out of jail?

Defendant: I do, sir.

Judge: And if you come up with a third one I'm willing to listen to it, but it has to be something whereby I can't trust you. I'll trust a third person, but I won't trust you because you've lied too many times. All right. That will be all.

Exhibit 2

November 8, 1996

From Tape No. 96-29

Judge A. Eugene Hammermaster presiding.

City of Sumner v. Scott Reisenauer, Case No. 13361

Judge: Next is the City of Sumner versus Scott Reisenauer. Mr. Reisenauer, do you know why you're before the court?

Defendant: (inaudible) I didn't make a payment.

Judge: Then any reason why I should even be talking to you?

Defendant: Cause I was in jail when this warrant was issued, otherwise I would have came here to talk to you.

Judge: Why didn't you come in and talk to me before you went to jail?

Defendant: I didn't know this warrant was out cause it wasn't issued before I was in jail.

Judge: Why didn't you come in and talk to me when you didn't make the initial payment that you were supposed---

Defendant: Because I was out of town working. And then when I came back to town--

Judge: So that's more important than living up to your agreement sir?

Defendant: No, but if I don't work I can't make my payments.

Judge: Well, but you didn't make them anyway, then why didn't you come talk to me?

Defendant: Because when I came back into town I got arrested and I've been in jail ever since.

Judge: All right, go ahead, I'll listen to you.

Defendant: I was out of town right, I was working and I came back into town and the same night I got into town I got arrested and I've been in jail ever since.

Judge: Where were you on August 28?

Defendant: August 28?

Judge: Ah-huh.

Defendant: I was out of town working.

Judge: Where were you on August 27?

Defendant: I was in, ah, August 27?

Judge: Ah-huh.

Defendant: August 27, I believe I was in jail I think.

Judge: You were right here. On August 27 you signed a statement right here, I'm looking at it.

Defendant: Yeah.

Judge: And then where were you the next day?

Defendant: The next day?

Judge: Ah-huh.

Defendant: The next day I was working.

Judge: And then why didn't you pay from your earnings?

Defendant: Because I only made 30 dollars.

Judge: Then why didn't you pay the 30 dollars?

Defendant: Because I needed to survive till payday.

Judge: Where were you the next day? Where were you August 29?

Defendant: I was at work.

Judge: Then why didn't you pay from that?

Defendant: Because I only make, I make 30 dollars a day where I work.

Judge: Why didn't you pay some of it?

Defendant: I can't if I got to pay rent and pay utilities and everything.

Judge: Where are we Mr. Reisenauer? All I'm hearing is game playing. You signed a piece of paper on August 27 where you made a promise.

Defendant: Yeah.

Judge: You have not lived up to the promise. You apparently have been working and earning money and not paid a penny.

Defendant: Yeah, I've been working for the temporary service.

Judge: Then why didn't you pay?

Defendant: Cause I can't afford---

Judge: Or why didn't you come back and talk to me?

Defendant: I got to pay my rent and everything.

Judge: Then why didn't you come back and talk to me?

Defendant: I was going to the day I got back from town to---

Judge: Why didn't you come back and talk to me on the 29th or the 30th or September 1 or September 2?

Defendant: Cause I was working trying to pay my rent so I wouldn't have to live on the streets.

Judge: Then back to my first question then, any reason why I should be talking to you?

Defendant: Yeah, because I'm working now, I work for (inaudible) Construction, I've been in jail for over 30 days now, I need to get back out, do my work so I can make all my payments.

Judge: Where have you been in jail?

Defendant: I've been in, I was here on October 6, I got out of here on the 15th and I went to Pierce County.

Judge: Well, what did you do between then and now?

Defendant: I've been in jail.

Judge: No, I'm talking about between August 27 and October 6.

Defendant: I was out of town for a month working.

Judge: That was after October 6, what about before October 6, sir?

Defendant: October 6 is when I got arrested.

Judge: I'm talking about before October 6. Why did you not pay from your earnings during that time---

Defendant: Because I was not in town.

Judge: And why did you not come in and talk to me?

Defendant: I was not in, I was not here, I was over in Eastern Washington.

Judge: So back to my original question, why should I even be talking to you. Why shouldn't I treat you the same way you treated me?

Defendant: Because I'd like to get this over with and pay my fines and go back to work.

Judge: That'd be wonderful, then as soon as your fines are paid I'll release you.

Defendant: Well I can't pay them if I'm not working.

Judge: Well, you don't pay them when you do work.

Defendant: Yes, I do, cause I was working for a temporary service, I'm not working for them any more.

Judge: How much have you paid in the last two months?

Defendant: I haven't paid anything because I didn't have a real job. I was only working part-time.

Judge: Go ahead.

Defendant: I don't make a lot of money when I'm working part-time, I made 5 dollars an hour.

Judge: Wouldn't it make sense that you spend the rest of your life in jail?

Defendant: No.

Judge: Why not?

Defendant: Because I don't want that.

Judge: What difference does it make? What's the other choice?

Defendant: I'd like to get this paid for so I don't have to deal with it.

Judge: So would I, but you're not going to do it.

Defendant: Yes, I am.

Judge: You haven't done it in the past. You've lied to me how many times now?

Defendant: That's because I had some problems I was going through.

Judge: How many times have you lied to me?

Defendant: A couple times.

Judge: So I have to assume you're lying now.

Defendant: No I'm not.

Judge: You're sitting there lying.

Defendant: No I'm not.

Judge: Why are you not?

Defendant: Because back then I was having a lot of problems, I was drinking all the time. I'm not drinking any more, I'm working, I'm going to AA meetings.

Judge: You've not contacted me, you didn't write me a letter, you didn't make a telephone call, you didn't come in, you haven't paid one penny. I have to assume you're sitting there lying through your teeth.

Defendant: No, I'm not.

Judge: Everything tells me you are. Give me one thing that says you're telling me the truth.

Defendant: I just told you I was going through a lot of problems.

Judge: Beg your pardon?

Defendant: I was going through a lot of personal problems, I was drinking all the time.

Judge: What does that have to do with calling me or writing me a letter or coming in and seeing me?

Defendant: Cause I wasn't doing anything for a while, all I was doing was drinking.

Judge: I'm talking about in the last 30 days when you were in jail you could have written me a letter. Why didn't you?

Defendant: I didn't have no stamps.

Judge: Oh come on now, that's just the kind of thing that makes it clear that you should stay in jail.

Defendant: See when I was in jail in Pierce County I didn't know this warrant was here.

Judge: It doesn't make any difference if there's a warrant or not. I'm talking about your agreement and your promise---

Defendant: And you knew I was in Pierce County. You knew I was in Pierce County.

Judge: So what. How would I know if you were in Pierce County?

Defendant: Cause you're---

Judge: For all I know I've never seen you before sir, but I see on record that you've been---

Defendant: Well, yeah, I should have wrote you while I was in jail and told you I was there.

Judge: You've lied to me a whole bunch of times in the past, but as far as I know I've never seen you before. I don't recognize you at all.

Defendant: You're right, I should have wrote you I was in jail and told you where I was.

Judge: And why didn't you?

Defendant: Because I didn't, I figured you would have knew I was in jail, it was in the computer.

Judge: How would I know that?

Defendant: Cause it's in the computer ain't it?

Judge: What do, what would, how would that be of any significance to me?

Defendant: I don't know.

Judge: Then why do you make such a dumb statement?

Defendant: Because I figured, you released me to go to Pierce County so I figured you'd know I was there.

Judge: As I told you, as far as I know I've never seen you before, sir.

Defendant: I m sorry, I should have wrote you and told you.

Judge: This is the first time I've ever seen you as far as I know.

Defendant: I should of wrote you and told you.

Judge: Then back to my original question. You've lied and lied and lied and I assume are continuing to lie.

Defendant: No I'm not, I'm trying to get my life together and I'm trying my hardest.

Judge: That's the next lie.

Defendant: No it's not.

Judge: As I look at this citation it dates back what, five years?

Defendant: Six years, I think I was 19 when it happened.

Judge: I don't know, I don't know how old you are now. It just says it was in 1991.

Defendant: Yeah I was, I wasn't even working back then. I didn't work for four years, I was living with someone else working for room and board out in Orting.

Judge: I'm not going to release you, Mr. Reisenauer, unless I have a guarantor or unless your employer agrees to pay 50 percent of your earnings to the court.

Defendant: Okay.

Judge: You get either a guarantor who will pay it if you don't, or your employer agrees to pay 50 percent of your earnings to the court. And again, you're going to have to agree to pay this at the rate of 300 dollars per month as far as the guarantor is concerned.

Defendant: Yeah, I can pay as much as I can.

Judge: It's not a matter of as much as you can. You're employer is going to have to pay 50 percent of your earnings and it's going to have to be not less than 300 dollars a month and if you don't pay it a guarantor is going to have to pay it.

Defendant: Okay.

Judge: And you'll stay in jail until that happens.

Defendant: Okay.

Judge: I'll make the telephone available to you to call either a guarantor and/or your employer to sign an appropriate document. That will be all.

Exhibit

3

November 8, 1996

Judge A. Eugene Hammermaster presiding.

From Tape No. 96-29

City of Orting v. David Deen, Case No. C00000280

Judge: Next is the City of Orting versus David Deen, D-e-e-n. Have a chair please, sir. All right, Mr. Deen, you've been charged with a violation of an ordinance of the City of Orting allegedly taking place on or about April 6 wherein you've been charged with driving while your license is suspended or revoked in the third degree. As to this charge, you have two choices. First, you have the right to enter a plea of not guilty, in which event a trial date will be set. Second, you have the right to enter a plea of guilty in which event sentencing would take place at this time. Are you prepared to make some disposition of the matter?

Defendant: Yes.

Judge: And what is it you wish to do?

Defendant: Guilty.

Judge: A plea of guilty will be entered. All right. I'm going to hand you a statement on your plea of guilty, Mr. Deen. If you would take that over by the window, read it, if it's acceptable to you, that you sign it and return it to me and we will proceed with disposition as soon as you've done that.

[Judge arraigns Mr. Cebula.]

Judge: Next is the City of Orting and David Deen. All right, Mr. Deen I will hear from you, why were you driving without a valid license?

Defendant: I don't know, stupid.

Judge: And why were you stupid?

Defendant: I was trying to get to the store.

Judge: Why do you even own an automobile?

Defendant: It wasn't my automobile.

Judge: Whose automobile was it?

Defendant: It belonged to my father.

Judge: Why do you have your father's automobile?

Defendant: I asked him if he'd take me to the store and he said go ahead and take the car and go

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to the store, so I did.

Judge: Why would you do that?

Defendant: I needed some food from the store.

Judge: Why did you not come to court when you were supposed to?

Defendant: I was scared.

Judge: Where do you live sir?

Defendant: 23309 177th Street East, Orting.

Judge: You want to get that address, Diane.

Defendant: 23309 177th Street East, Orting.

Judge: And with whom do you live there?

Defendant: My sister.

Judge: And what's your sister's name?

Defendant: Carol Gates.

Judge: Who lives at 8815 128th Street East, Puyallup?

Defendant: That's my old address.

Judge: Who lives there?

Defendant: My brother.

Judge: Are you employed?

Defendant: Yes.

Judge: For whom do you work?

Defendant: I work for my sister's husband.

Judge: And what do you do for your sister's husband.

Defendant: I've been remodeling three or four different houses that they have.

Judge: Why do you not have a license?

Defendant: I've been in jail so much that I haven't had time to get one lately.

Judge: What do you mean by that? According to this your license is suspended.

Defendant: Yes.

Judge: So that means that it's not a matter of getting one, it's a matter of somebody took it away from you. Why is your license suspended?

Defendant: Unpaid traffic fines.

Judge: And why would you do that?

Defendant: Because I was stupid.

Judge: And why are you stupid.

Defendant: Because I was on drugs, I was a drug addict and an alcoholic and that seemed to be the only thing that was important at the time.

Judge: What does that have to do with being stupid.

Defendant: Well, I'd say that's pretty stupid if that's what you do in life.

Judge: Well, you're stupid to be on drugs, but I don't know what that has to do with losing your driver's license.

Defendant: I used the money that I had to pay my fines to buy drugs and alcohol in place of paying my fines, so therefore I lost my, my money to pay the fines so I got my driver's license suspended and --

Judge: Does Mr. Deen have bench warrants, or have warrants elsewhere?

Orting Police Chief Emmons: I believe so, yes.

Defendant: Yes, I do.

Judge: And I see you have another one here before the Orting court as well, is that correct?

Defendant: Yes, I wrote you a letter, I can't remember the exact date, I also suffer from short term memory loss from the use of drugs.

Judge: So do I. I haven't seen you before as far as I know.

Defendant: Well, I can't remember the date that I wrote you the letter. I was incarcerated in Kent at the time and they set me up for to make payments on my other ticket there and--

Judge: You wrote a letter back in March.

Defendant: March, yeah that sounds about right.

Judge: At least it's postmarked March 28.

Defendant: That sounds about right.

Judge: And then we did do that I gather.

Defendant: Yes.

Judge: And you still didn't live up to it.

Defendant: I haven't been working, Your Honor.

Judge: Well, why didn't you come back and talk to me then?

Defendant: Well because I was stupid, I was scared, I thought I was going back to jail and at the time I didn't want to.

Judge: Well, is that what the answer is, that you should stay in jail in indefinitely?

Defendant: No, sir.

Judge: What's the answer?

Defendant: Well, I'm really not sure Your Honor. I'd like to get it taken care of.

Judge: What does that mean sir?

Defendant: Well, I'd like another chance of paying it off.

Judge: And what are you proposing?

Defendant: Well I still yet have to go to City of Kent and Federal Way and I'm not sure how long I'll be there.

Judge: Well, I'm still asking, what are you proposing?

Defendant: I would like to make payments.

Judge: And what are you proposing?

Defendant: To make payments.

Judge: And what kind of payments are you proposing?

Defendant: A hundred dollars a month.

Judge: Trouble is, you now have two fines.

Defendant: Yes, sir.

Judge: And that's going to take too long.

Defendant: Well, what would be an appropriate rate of pay?

Judge: Well, let's proceed with sentencing on this matter first.

Defendant: All right.

Judge: On the plea of guilty the court enters a finding of guilty and I herewith sentence the defendant to 30 days in the city jail, and in addition I levy a penalty of 700 dollars. I'm going to suspend all of the jail sentence and I'm going to suspend one-half of the monetary penalty on the condition that you not operate a motor vehicle so long as you do not have a valid license and do not have valid insurance. Now on that charge then you owe 350 dollars. On the old one you apparently owe 300 dollars if I'm looking at this correctly. What are your earnings through your present employer?

Defendant: It varies on the job that I do for them. It could be anywhere from 300 to 1000 dollars a month.

Judge: Then why should I not require you to pay 200 dollars a month?

Defendant: That sounds appropriate.

Judge: I'd like to get this taken care of.

Defendant: So would I.

Judge: Because one of these dates way back.

Defendant: I would like to do it also Your Honor.

Judge: I'm going to give you that chance Mr. Deen, but I also need to tell you that if you're not able to make the payments you need to contact me.

Defendant: I will, I promise.

Judge: Because two things happen. Two bench warrants will be issued, that will cost you another hundred dollars, 50 dollars for every bench warrant. In addition to that, when you come back before me I probably will not be inclined to talk to you any more.

Defendant: Yes, sir.

Judge: Whereas if you come back and talk to me and enter into some other reasonable arrangement based on your circumstances, I've never known not to give that

opportunity. The only time I throw the key away is when they act like you.

Defendant: I understand.

Judge: Diane, I'm going to hand these to you and maybe you want to make out two separate ones, there's two in here, one for each one.

Defendant: I have a question, Your Honor. I'm not sure how long I'll be in the Kent Jail or the King County Jail.

Judge: I will expect the first payment to be made 30 days after your release from the last jail.

Defendant: All right, thank you.

Judge: And I'm going to let you go to those jails and get those taken care of.

Defendant: Thank you.

Exhibit 4

November 8, 1996

From Tape No. 96-29

Judge A. Eugene Hammermaster presiding. City of Orting v. Richard Cebula, Case No. C00000189

Judge: Next is the City of Orting versus Richard Cebula, I believe it is, C-e-b-u-l-a.

Defendant: Cebula.

Judge: Cebula?

Defendant: Yes, sir.

Judge: All right, Mr. Cebula, my understanding is that you're here for purposes of an arraignment, is that correct?

Defendant: I guess, yes. I missed a court date, so.

Judge: Mr. Cebula, you have been charged with a violation of an ordinance of the City of Orting, allegedly taking place on or about October 13, 1995 where you were charged with driving while your license is suspended in the third degree. And number two, you've been charged with no valid driver's license. As to these two charges, you have two choices. First you have the right to enter a plea of not guilty, in which event a trial date will be set. Second, you have the right to enter a plea of guilty, in which event sentencing would take place at this time. Are you prepared to make some disposition of the matter?

Defendant: Well, if I had somebody to talk to representing Orting where I could make some type of deal, I would like to plead guilty and get it over with, but since I haven't had the opportunity to talk to anybody at all, I'll have to plead not guilty.

Judge: Okay. You're going to have to stay in jail until the trial then.

Defendant: How long am I going to have to stay in jail if I plead guilty?

Judge: I don't have any idea because I don't know what the basis of the facts are. All I know is that you're charged with driving while your license is suspended on October 13 of 1995.

Defendant: I can't get PR'd out of here?

Judge: Beg your pardon?

Defendant: I wouldn't be PR'd?

Judge: Nope, not where I've had to arrest you. It's up to you. I mean the Orting---

Defendant: I'm not pleading guilty, no.

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Judge: The Orting Police Chief's right here.

Defendant: Not guilty, not guilty, I'll stay in jail.

Judge: Okay. You can discuss it with the Orting Police Chief any time you want. All right. We'll set the matter for trial on the 26th of November. I got the trial notice here. If you'll remain at the table there, sir. I mean you have the right to post bail of course.

Defendant: Yes, sir.

Judge: All right. I'm going to hand you--I've set the matter for trial then on the 26th of November at 2 o'clock in this room. I'll hand you a copy of the trial notice and I'm also going to hand you a statement on your plea of not guilty. Take that statement over by the window, read it, if it's acceptable to you, that you sign it and return the original to me, the copy and the trial notice you may take with you.

[Judge hears other matters and returns to this case.]

Orting Police Chief: Your Honor, I've talked to the subject and I think we, he's willing to change his plea to guilty to start with.

Judge: Now to whom are we speaking of?

Chief: Mr. Cebula.

Judge: All right, you want to come forward, sir. All right, Mr. Cebula, the city advises me that you wish to change your plea, is that correct?

Defendant: Yes, Your Honor.

Judge: All right, I will prepare a different statement. All right, I'm going to hand you a statement on your plea of guilty. If you'll take that statement over by the window, read it, if it's acceptable to you that you sign it, return it to me and we will proceed with disposition in a few minutes.

[Judge hears the Deen case.]

Judge: All right. Next is the City of Orting and Richard Cebula, Cebula, I'm sorry. Mr. Cebula I'll hear from you. Why were you driving without a valid license?

Defendant: Well, because I had my girlfriend was staying out in Orting, I'm staying in Tacoma, she called me up begging me for money and cigarettes---

Judge: (inaudible)

Defendant: Pardon me?

Judge: Yeah, I didn't hear you. You had your girlfriend what?

Defendant: Was living in Orting at the time, I was in Tacoma. She called me up begging for cigarettes and money. Like an idiot I drove out there, pulled in the driveway, the police were there waiting for me, she set me up.

Judge: Why do you even drive or own a car?

Defendant: I didn't drive, but when she calls me up crying and begging.

Judge: Why do you own a car?

Defendant: I own a few cars.

Judge: Why do you own any cars if you don't have a valid license?

Defendant: I just---

Judge: Beg your pardon?

Defendant: I just owned 'em I guess.

Judge: Why do you not have a license?

Defendant: Well, I lost my license for five years and I did some time in jail and---

Judge: That's not my understanding of the situation now.

Defendant: I lost my license because I failed to pay a ticket for driving without a valid license.

Judge: All right, so you're eligible for a license are you not?

Defendant: Yes sir, I am.

Judge: Well, then why haven't you gone and gotten it?

Defendant: I just, I haven't, I procrastinate a lot.

Judge: Why did you not show up in court when you were supposed to?

Defendant: Well, because I was stuck in Kent, I didn't have a ride. I called the court that day, sir.

Judge: I'm talking about why have you not come to court in the last year?

Defendant: I was in jail.

Judge: A whole year?

Defendant: Yes, sir, Pierce County.

Judge: When did you go into jail?

Defendant: December 1st of last year and I didn't get out until around the first of September this year.

Judge: Well, why didn't you come to court either before December 1st or after September 1st?

Defendant: I didn't, I didn't know I had a warrant until after I got out of court, or jail.

Judge: I'm not talking about any warrants, you knew that you still had this matter pending. Why didn't you come voluntarily and take care of it?

Defendant: Because I was in jail. This happened---

Judge: I'm talking about before you went to jail and after you got out.

Defendant: Before I went to jail it wasn't the warrant I don't believe.

Judge: That's (inaudible) talking about. Assuming no warrant was ever issued.

Defendant: I didn't know that I had a court date, sir.

Judge: Well you knew the matter was still pending.

Defendant: Yes, but I was in jail before the court date came up. I believe that's what happened and then when I got out I was trying to get my life back together. I got taken to the cleaners, I lost everything, I just missed my court date. The day court came I called and talked to the lady in Orting. She informed me that the only way I could handle it was to bring 500 dollars up there. I didn't have 500 dollars. That's what happened.

Chief: Your Honor, the City feels as though he was cooperative at the time of the arrest and on his plea of guilty would enter into an agreement that he be given the standard fine, one-half suspended; he's done three days in jail right now on this, that those be, be given ten days jail time and seven be suspended, the three that he's served be the three that he be charged with and not drive until he gets a license.

Judge: I'll accept that recommendation with one exception. I think you need more hanging over your head so you don't drive until you get a license because, based on what I see, you're eligible to get a license.

Defendant: That's what I'm trying to do, that's why I'm trying to take care of all these.

Judge: (inaudible) take care of all of your FTA's.

Defendant: My FTA's all (inaudible) because I was locked in jail.

Judge: Your FTA's what?

Defendant: I was in jail at the time and all these things happened. There's nothing I could do about it.

Judge: You can go get a license today if you took care of the FTA's.

Defendant: Fines.

Judge: Beg your pardon?

Defendant: If I took care of my fines.

Judge: If that's what the FTA's are. If the FTA's are your failure to pay fines then you can get a license today if you write a check, so you're legally eligible for a license. And so that suggests to me that you're just willfully not getting one.

Defendant: I was in jail sir, I just got out a month and a half ago.

Judge: I understand that, I understand that, but you---

Defendant: And I lost my license for five years---

Judge: Jail at one point in time---

Defendant: From '86 to '90.

Judge: Got out of jail again and I'm concerned about your continuing on with this stick your head in the sand attitude. Now if I'm wrong and if you haven't been sticking your head in the sand you can tell me why you haven't. But if you haven't, why do you have all these FTAs? Why have you allowed them to double, maybe even triple?

Defendant: I was in jail, that's how they all---

Judge: Well, no, some of these were a lot older than that sir.

Defendant: A lot of them were---

Judge: Some of these date clear back to 94, 93, 92.

Defendant: Yeah, and I was locked up at the time. Most of---

Judge: I know, but you've been out of jail since then and why didn't you take care of them when you were out of jail?

Defendant: Well, what are we talking about, Orting or my whole?

Judge: I see a whole bunch of things here.

Defendant: The tickets happened when I was in jail and when the FTAs came out I was doing time.

Judge: Well, then why didn't you go take care of them when you got out?

Defendant: I just neglected to, stupid, ignorant.

Judge: I'm concerned that you're going to continue to neglect to. See that's what bothers me. This citation is over a year old.

Defendant: I was in jail.

Judge: Some of the others, well, not all the time.

Defendant: Most of it, I was in jail for ten months.

Judge: But you've and, but it was before that, it was before you got this citation that you stuck your head in the sand.

Defendant: Yes, sir.

Judge: And I'm concerned that you're going to continue to stick your head in the sand. Is that true?

Defendant: No, sir.

Judge: Should I worry about that?

Defendant: No, sir.

Judge: Tell me why I shouldn't?

Defendant: Because I want to get my driver's license back, get this, this is all because I never paid a 25 dollar ticket.

Judge: How many automobiles do you own right now?

Defendant: I don't own any right now.

Judge: How come you don't own any now?

Defendant: Because while I was in jail everything I owned got stolen from me by the girl I tried to help in Orting.

Judge: How could she transfer titles that were in your name?

Defendant: I had 'em put in her name before I went to jail, and everything I owned I put in storage, she stole everything, spent it on dope I guess, I don't know, but it's all gone, I don't own anything any more.

Judge: Well, that's probably fortunate then. All right, on the plea of guilty the court enters a

dollars within 30 days of your release from jail and the remaining 200 dollars within 60 days of your release from jail. Now I'll give you the right to come back and talk to me if you're unable to meet that and that's what I will expect you to do. I'll not expect you to do what you did this time. And I will not expect you to wait for a notice. When it first becomes clear to you you're not going to be able to make the first 200 dollar payment or the second 200 dollar payment, you immediately come and talk to me, even if it is before 30 days have gone by. You say, hey, I can only pay 175 or I can only pay a hundred, but you don't stick your head in the sand unless that's your choice and, if so, then when you do come back before me I will ask you the question should I kick it further in. Should I even talk to you, and I don't know what your answer to that question will be; hopefully it will be yes, let me spend the rest of my life in jail, which seems kind of a stupid for a 400 dollar fine, or 350 plus 50 dollars in costs. It seems stupid that somebody would want to spend the rest of their life in jail for that piddley amount of money, particularly when all you have to do is come talk to me.

Defendant: I understand.

Judge: Based on what I'm hearing you say, I presume you're going to be able to pay it. All right, if you'll step up here I've got this form that you can fill out. The court clerk will have you sign a statement concerning the payment plan.

Exhibit 5

November 5, 1996

From Tape No. 96-24

City of Sumner v. Enrique Ceras-Campos, Case Nos. 960127601 and C00010522

Judge A. Eugene Hammermaster presiding.

Interpreter used.

Judge: All right, next is the City of Sumner and Enrique Ceras-Campos. All right, Mr. Ceras-Campos, you're here for what purpose?

Defendant: I know that I haven't complied with my payment plan.

Judge: Why haven't you?

Defendant: I don't have any money to make those payments (inaudible)

Judge: Then should I put you in jail?

Defendant: Yes, (inaudible).

Judge: How are you going to pay this, sir?

Defendant: I guess if you need to send me to jail, I'll just go to jail.

Judge: I'm not going to allow you to serve it in jail. If I put you in jail I will find you in contempt of court. If I find you in contempt of court, you will have to pay to stay in jail at the rate of 40 dollars a day. That means every day you're in jail you'll owe another 40 dollars. Every week you'll owe another approximately 300. Every year you'll owe approximately another 12 thousand. Is that what you want me to do?

Defendant: No.

Judge: Because that by all practical purposes would mean you'll be in jail the rest of your life. Why have you not paid this, sir?

Defendant: I just don't have the money. The money that I earn is not enough.

Judge: Then you're going to have to arrange to make these payments, sir.

Defendant: Is it possible that lower payment.

Judge: Well, you haven't paid anything.

Defendant: (inaudible)

Judge: Did you sell your car?

Defendant: I tried to sold the car, but the peoples bought it they wreck the car and I don't have the money, you know.

Judge: Well, you were supposed to sell your car. Why haven't you done that?

Defendant: (inaudible)

Judge: Are you employed?

Defendant: Yes I am.

Judge: For who do you work?

Defendant: (inaudible)

Judge: Who?

Defendant: (inaudible) Rain, sprinkler system.

Judge: Well, why should you not pay one-half of your earnings to the court?

Defendant: Cause the money I make is not enough.

Judge: Well you're going to have to arrange to pay this, Mr. Campos. And the suggestion I have is that you pay a percentage of your earnings. I'm suggesting 50 percent. Because you've not paid anything. You were also supposed to sell your car. Why haven't you done that?

Defendant: I did try.

Judge: Any why hasn't it been sold? Cause this was way back in August, that's two, three months ago.

Defendant: Because the people who were supposed to buy the car wrecked the car and now they don't want to pay me for it.

Judge: What do you earn each week Mr. Campos?

Defendant: I make six dollars an hour.

Judge: And how many hours a week do you work?

Defendant: 40.

Judge: How much?

Defendant: 40 a week.

Judge: And how much does that result as far as your regular pay check?

Defendant: 500 dollars.

Judge: 500 dollars every two weeks?

Defendant: Yes.

Judge: Well, why shouldn't you pay a hundred dollars of that towards this fine every two weeks?

Defendant: I have children.

Judge: Well, this is also a bill you have Mr. Campos. Because if I have to find you in contempt of court for violating a court order it's going to add at \$40 a day while you're sitting in jail.

Defendant: I really don't want to be in jail. Maybe if I can make smaller payments.

Judge: I can't allow you to pay less than that. What you owe is way up over what, 17, 18 hundred dollars that you owe.

Defendant: Yes.

Judge: And that's ridiculous. I'm going to expect you to pay this at the rate of 50 dollars per week Mr. Campos. And if you get paid every two weeks, I'll expect you to pay a hundred dollars out of each pay check. Cause this is a bill that has been owed way too long.

Defendant: The money that I make is just not enough.

Judge: Well, you're going to have to rearrange your living expenses. Where do you live sir?

Defendant: 3902 33rd Avenue, Tacoma.

Judge: And with whom do you live there?

Defendant: I live there with my wife and my children.

Judge: Is your wife employed?

Defendant: No.

Judge: You're going to have to arrange to have that done, otherwise, I'm going to quash this warrant but I'm going to expect 50 dollars to be paid within one week and then I'm going to expect a hundred dollars to be paid every two weeks after that. Because if I have to have you arrested on the warrant and if I find you in contempt of court, that will be the only choice I have is to make you pay to stay in jail. And that basically

means you'd be in jail the rest of your life I presume. And that's kind of silly for a small amount of money like this. But I will quash this warrant, I will give you one more chance to do it, but it looks like I've given you chances in the past and that you've not done what you were supposed to do, because I see this dates back quite a ways. All right, if you'll step up here, the court clerk will have you sign a new payment schedule.

Exhibit 6

November 5, 1996
Judge A. Eugene Hammermaster presiding.

From Tape No. 96-27
City of South Prairie v. Clifford Batten
Case No. C00058228

Judge: Next is the City of South Prairie and Clifford Batten. Is your name Clifford Batten?

Defendant: Yes, it is.

Judge: All right, Mr. Batten, do you know why you're before the court?

Defendant: Yes, I do, because I missed a court date. I didn't get the summons, I moved, my wife and I split up and I didn't get the, my mail until the day after the court date.

Judge: None of that's true.

Defendant: What?

Judge: That's not why you're before the court.

Defendant: What is that, I don't know then, Your Honor.

Judge: You're now before the court because you failed to live up to your promise and this court's order concerning payment. I'm looking at a document you signed on April 9, 1996 where you agreed to pay a hundred dollars by May 9 of 1996 and a hundred dollars by June 9 of 1996 and another hundred dollars by July 9 of 1996. You made none of those payments.

Defendant: Yes.

Judge: That's why you're before the court. And the question is, should I even bother to talk to you? Or should you not just sit in jail until somebody comes and pays it?

Defendant: My job fell through that I was promising to pay that and now---

Judge: Then why didn't you come back to court and talk to me about it?

Defendant: I did call to Wilkeson.

Judge: You didn't come back and talk to me about it.

Defendant: That's true.

Judge: And why didn't you?

Defendant: Cause I didn't know how to get a hold of you.

Judge: Then why shouldn't I treat you the same as you treated me? What do you mean you

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didn't know how to get a hold of me, you knew where the court was?

Defendant: Yeah, but that's only on the second Tuesday of--

Judge: Then why didn't you make arrangements to come on the second Tuesday?

Defendant: I didn't think of it that way.

Judge: So why should I not treat you the same as you treated me? Let you stay in jail forever if that's necessary. Or the other alternative is that I could find you in contempt of court and if I found you in contempt of court then, not only would you have to stay in jail, but you'd owe 40 dollars for each day you're in jail. That means as each week goes by you'd owe almost another 300 dollars, over a thousand dollars each month, over 12 thousand dollars each year. Would that be a better choice?

Defendant: No, I don't think so, Your Honor.

Judge: I mean, I assume then you'd be in jail for the rest of your life for sure. But that's why you're before the court, Mr. Batten, because you made a promise, this court made an order, you didn't live up to it and you didn't come back and talk to me about it. Now the question is, why should I waste my time talking to you?

Defendant: Because I feel that I can be more sincere and do what I'm supposed to do now that I've got this job.

Judge: Well, you lied to me back in April, why are you not lying to me now.

Defendant: I'm not lying to you. I didn't lie to you in April either.

Judge: As far as I can tell you did. You said you were going to make a payment in 30 days, you didn't. You said you were going to make a payment in 60 days, you didn't. You said you were going to make a payment in 90 days, you didn't. More than six months has gone by and you've not made a payment, nor have you contacted me. Sure sounds like a series of lies to me.

Defendant: I wasn't intending it to be a lie, sir.

Judge: What do you call it? If I was sitting in your chair and you were sitting here, what would you call it?

Defendant: I guess I would, it would be a lie.

Judge: Okay, so, should I just put you back in jail and let you sit there?

Defendant: Well, I'd like to pay it off, Your Honor, so I can get my driver's license back.

Judge: Well, are you prepared to pay it today?

Defendant: I can't pay it today, no.

Judge: How much are you proposing to pay today?

Defendant: I can't pay anything today, but I can pay 50 dollars a week, every Friday.

Judge: Well, why haven't you?

Defendant: Cause I just got the job. I've only worked there for a week.

Judge: Where do you live, Mr. Batten?

Defendant: I'm working through Labor Ready out of Puyallup.

Judge: Where do you live, Mr. Batten?

Defendant: I live at 812 Third Street Northeast.

Judge: In what city?

Defendant: In Puyallup.

Judge: And what's your zip code?

Defendant: 98372 I believe.

Judge: And for whom do you, with whom do you live there?

Defendant: An older lady named Zola Sprinkle---

Judge: And what's your relationship -- beg your pardon?

Defendant: Her name is Zola Sprinkle.

Judge: And what's your relationship to her?

Defendant: Just, I'm taking care of, a friend of mine and I are there just taking care of her. She's 89 years old and we're taking care of her.

Judge: What's your friend's name?

Defendant: Rodney Osbey.

Judge: Is that a man or a woman?

Defendant: Male.

Judge: Ronnie?

Defendant: Rod, Rodney.

Judge: Rodney.

Defendant: Rodney Osbey.

Judge: And which one of you are taking care of this lady, he or you?

Defendant: Well, we're going to work, we're both working for Labor Ready but we're fixing her meals and what not. I mean she's not totally incapacitated but we fix her evening meals and keep the fire going and that kind of thing.

Judge: Well, I'm going to give you one more opportunity, Mr. Batten. I'm probably making a mistake. In light of the way you treated me I should make you sit in jail, should I not? That's what you'd do to me if it were reversed, you'd make me stay in jail, would you not?

Defendant: I don't know as I would, Your Honor, I'm not in that position.

Judge: Well, I understand that, but I mean, it would appear to me that that's probably what should be done. But I'm going to give you another opportunity anyway. But I want to tell you this Mr. Batten, if you treat me this way the second time, expect me to treat you the same. What that means is you're making me a promise and I'm going to expect you to live up to it. And at worst I'm going to expect you're going to come back and talk to me about it if you can't live up to it.

Defendant: Yes, Your Honor.

Judge: But I'm not going to be very happy about anything at all, even if you come back and talk to me, if it's in this kind of a situation where six, eight months goes by and you've not paid one penny. That makes it look like to me that you're lying. Of course now it's gone up to 350 dollars because we had to issue the bench warrant. All right, I'm going to expect you to pay 50 dollars per week starting one week from this day.

Defendant: Okay.

Judge: And if you want to step up here the court clerk will have you sign a statement concerning that payment plan.

Exhibit 7

October 29, 1996

Judge A. Eugene Hammermaster presiding.

From Tape No. 96-40

City of Orting v. Tracy Lybeck, Case No. 5382.

Judge: Is there a Tracy Lybeck present in court?

Defendant: Yes, sir.

Judge: Want to come forward please, sir. Mr. Lybeck, do you know why you're here?

Defendant: Yes, I do, I think it was, believe to pay a fine.

Judge: And why have you not done so?

Defendant: I was taking care of the most --

Judge: Beg your pardon?

Defendant: Taking care of the most expensive one first, which was for Buckley City Jail, which was 11 hundred dollars. I just got that one taken care of as today.

Judge: What does that mean?

Defendant: That I was taking care of the most expensive one first.

Judge: And how did you do that?

Defendant: By payment.

Judge: And why did you not come back and talk to me then?

Defendant: I had moved out. I don't live, no longer live in this...

Judge: Well, I know, but you knew you had this obligation, why didn't you come discuss it with me?

Defendant: No transportation.

Judge: Then should I allow you to remain in jail the rest of your life?

Defendant: It always comes back down to this sir, I can't, I sit all these fines out but it's not solving anything.

Judge: Well, I'm not letting you sit it out. I don't let you sit them out. If I put you in jail you'd have to pay 40 dollars a day to be in jail, which means as each day goes by you owe another 40 dollars; as each week goes by you'd own another three hundred; each month approximately 12 hundred; each year approximately 13 thousand. Now is that

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what I should do?

Defendant: That's not what I want, no.

Judge: Then how are you going to pay this? Or why haven't you paid this?

Defendant: Well, I was trying to get the most expensive ones taken care of first, cause I've been trying to live at the same time and --

Judge: Back to my original question, why have you not contacted me?

Defendant: I've had no way to contact you.

Judge: What's wrong with writing a letter?

Defendant: I didn't have the address or nothing for these places.

Judge: Those kinds of excuses, Mr. Lybeck, are the kinds that make me think you're laughing at the court.

Defendant: I've lost everything, sir.

Judge: What do you mean you've lost everything?

Defendant: Everything, all my filing cabinets and everything that--

Judge: What does that have to do with communicating with the court?

Defendant: All my paperwork and everything was in those cabinets.

Judge: You knew what your obligation was.

Defendant: At the time, but it's been so long, it's been like two years since the last time I talked to you, it's been at least two years if not longer.

Judge: In fact, they just handed me one where you owe a hundred dollars to Sumner.

Defendant: Sumner?

Judge: What it says.

Defendant: Sumner should be paid.

Judge: Not according to this.

Defendant: I've never been in trouble in Sumner.

Judge: According to this you have.

Defendant: Never.

Judge: I got a piece of paper here with your signature on it.

Defendant: For Sumner?

Judge: In Sumner.

Defendant: What is it for?

Judge: I don't have any idea, sir. Maybe you'll have several months in jail to figure it out with them. Here it is, a minor in possession of alcohol dating clear back to 1985.

Defendant: How come this is just now being brought up, I haven't heard of this matter, well, like you said, since '85. It was never brought up before to my attention.

Judge: That's because you're probably fortunate that you fell through the cracks. The cracks are now being plugged up.

Defendant: Oh, '85, my God, a long time ago.

Judge: But in ten years, if another ten years goes by you'll owe over 130 thousand dollars if you stay in jail that entire time.

Defendant: I don't know what to do.

Judge: I don't either.

Defendant: You have no community service of any type around this area.

Judge: Nope, that's right.

Defendant: Can't sit out a fine.

Judge: Yeah, and if you're not inclined to pay it.

Defendant: I have no way of coming up with that money if I'm not working any more. I've lost my job because I've been locked up in jail.

Judge: Well, sir, you weren't paying it anyway.

Defendant: I was trying to take the big ones first. I owed Buckley over 11 hundred dollars. I finally got them taken care of, but the last part of my sentence I had to sit out.

Judge: So you didn't pay them 11 hundred dollars anyway.

Defendant: Yes, I did. I have the receipt.

Judge: Well, that's because you sat it out.

Defendant: No, no, no, I paid them 11 hundred dollars cash too and plus they called me back on the same warrant, and which I thought was cut and dried, come to find out it wasn't and they had a five thousand dollar bail...

Judge: Where do you live, sir?

Defendant: In Vancouver, Washington, and they drug me all the way back from Vancouver, Washington clear back up to Buckley.

Judge: Where is his present warrant?

Clerk: The one that he'll be going to after this one is Vancouver, it's --

Defendant: Clark County.

Judge: What's that for.

Defendant: That's a driving while suspended cause I took my girlfriend's son to the hospital one night cause he was running 103 temperature and they pulled me over.

Judge: Why do you do those dumb things?

Defendant: I didn't have any choice at the time it was so late and the buses weren't running and the kid was running a fever and I had no other way to get him to the hospital, and she was sick, she was vomiting and everything else on top of it too.

Judge: Are you employed?

Defendant: I was, yeah, I was working for Precision Wood Products in Vancouver, Washington.

Judge: What do you do for them?

Defendant: I was making pallets. They started me out at only 6.07 an hour, but minimum wage, but I was, you know, scraping by barely. But I sold my car, I just got my other one impounded cause of my girlfriend.

Judge: I don't know why you even own a car. I assume you don't have a license.

Defendant: I don't sir, I don't.

Judge: Well then what are you doing owning a car?

Defendant: I bought it for my girlfriend to drive around cause she needed transportation to get back and forth to school.

Judge: You should have used that money to pay the fine.

Defendant: I only, my brother-in-law gave it to me basically.

Judge: I thought you said you bought it.

Defendant: Well I bought it, I mean, I paid 150 bucks for it.

Judge: Well you should have put that on the fine.

Defendant: Yeah, well, I didn't know what to do at the time, I just trying to do what I thought was right at the time, but come to find out it got me in worse trouble.

Judge: I'm going to allow you to be released and go to Vancouver, but I'm going to expect you to come back next Tuesday to this court and I'm going to expect you to come back next Tuesday to the Orting court, and I'm going to expect you to bring with you a statement signed by your employer that he will pay 100 dollars out of your pay check from each week's pay until these two fines are paid in full.

Defendant: What is the whole (inaudible) about?

Judge: The Sumner one's 100 dollars, so that is going to take four 25 dollars and if you get paid every two weeks, that would be two checks. And the Orting one is apparently 550 dollars and that's going to take over a month, because the first four weeks you're, only 75 dollars is going to apply, so that would be only three, so it's going to take the better part of two months to get that paid. But I'm going to expect you back here in person unless the 100 dollars has been paid by then and the statement from your employer that he will mail 100 dollars per week out of each paycheck is here. I'll expect those two things to take place by next Tuesday or you will come back here and deal with the matter.

Defendant: A hundred dollars and a written statement from my employer.

Judge: A hundred dollars and a written statement from your employer that he will pay direct to the court.

Defendant: And if I come up with the whole amount of money?

Judge: If you come up with the whole amount of 650 dollars then obviously you won't need to come back.

Defendant: Just mail it in?

Judge: Just send it in. That's a hundred dollars to Sumner and 550 to Orting. You want to fill out this Orting statement. You want to step up here sir, the court clerk will have you sign those two statements, one for Orting and one for Sumner.

Exhibit

8

October 29, 1996

From Tape No. 96-34

Judge A. Eugene Hammermaster presiding.

City of Sumner v. Mike Sattler, Case No. C00010554

Judge: Next is the City of Sumner and Mike Sattler, S-a-t-t-l-e-r. Is this an arraignment?

Clerk: No, sir, he has failed to comply with payment (inaudible).

Judge: Oh, I see, okay. All right, Mr. Sattler, you know why you're before the court?

Defendant: Yes, I do.

Judge: And why are you before the court?

Defendant: I did not, I failed to come and talk to somebody about the position I'm in.

Judge: Not according to this, according to this you failed to live up to your promise and this court's order concerning payment.

Defendant: That's because I lost my job.

Judge: No, but is that what you did do? You didn't pay as you promised?

Defendant: Yeah.

Judge: Any reason then why I should even be talking to you?

Defendant: I don't know.

Judge: I mean any reason why you shouldn't just continue to sit in jail until somebody comes and pays it?

Defendant: Well, because nobody's going to come and pay it, Your Honor.

Judge: Well, then any reason you shouldn't sit in jail the rest of your life?

Defendant: Yeah, because I can go out there and I can do it.

Judge: Why have you not done it?

Defendant: Cause I have not found a job yet.

Judge: Then why didn't you come back and talk to me?

Defendant: That's what I have no excuse for, because I just---

Judge: Then any reason why I shouldn't treat you the same as you treated me? Cause if I'm

looking at this file correctly, this is not the first time.

Defendant: No it's not, Your Honor.

Judge: And so you've lied to me twice.

Defendant: I wouldn't call it lying.

Judge: What would you call it when you make a promise to me, don't live up to it, don't come back and talk about it.

Defendant: Well, that's, I mean I couldn't fulfill it and you know, I just.

Judge: Then why didn't you come talk to me?

Defendant: That's what I screwed up on sir.

Judge: Then any reason why I should not consider you untrustworthy?

Defendant: No.

Judge: In fact, maybe I should require you to pay the cost of being in jail. Do you realize I have the authority to do that?

Defendant: Yes, I do.

Judge: And do you realize you then would pay another 40 dollars a day for every day you're in jail?

Defendant: Yes, I do.

Judge: Another 300 a week, a thousand plus a month, 12 thousand a year. Then I presume this piddly little 4 or 5 hundred dollar fine truly would be a life sentence. Is that what I should do?

Defendant: No, sir.

Judge: Why not?

Defendant: Because basically why I'm here talking to you right now, is I'm asking---

Judge: He's not said anything.

Defendant: Huh?

Judge: You've not said anything sensible.

Defendant: All I'm asking right now is for a second chance so I can get out and I---

Judge: I already gave you one. Why should I give you a third chance when you lied to me twice before?

Defendant: I don't know.

Judge: I shouldn't, right? Correct?

Defendant: Correct.

Judge: Are you employed?

Defendant: No I'm not, sir.

Judge: Well then clearly for me to release you would be a waste of time.

Defendant: Well, then does that mean I can't do anything in jail.

Judge: Well, what's the difference, if you're not doing it in jail or if you're not doing it outside of jail?

Defendant: What I'm asking right now is to let me out so I can do it. I mean, I realize I've sat in jail for four days realizing that I've screwed up, you know, and I'm coming here trying to tell you this, you know, and I can't do anything more than---

Judge: Why are you not employed sir?

Defendant: Because there's nothing out there. I've looked, I mean obviously I'm not trying hard enough, you know, I mean I'm trying hard, I admit that, but---

Judge: You what?

Defendant: I'm not trying hard enough.

Judge: Why not?

Defendant: Because I have no transportation, there's nothing in this town of Sumner that I can walk to.

Judge: I see help wanted signs everywhere.

Defendant: Where?

Judge: I see 'em in restaurants, I see 'em at the Salvation Army, I see 'em over in Puyallup. You certainly can walk to Puyallup, or ride a bicycle.

Defendant: I don't have a bicycle.

Judge: Well, maybe you need to borrow one, or maybe you need to walk, or maybe you need

to take the bus. Where do you live sir?

Defendant: Right over on Bonney Avenue.

Judge: Address?

Defendant: 1325 Bonney Avenue.

Judge: And with whom do you live there?

Defendant: My father.

Judge: And is he providing your room and board then?

Defendant: Yes.

Judge: Why is he doing that?

Defendant: Cause he's my father.

Judge: I don't understand why you don't at least get some sort of a part-time job in a fast food place.

Defendant: That's what I've been trying to do.

Judge: Well, you'll never get one the way you're groomed.

Defendant: Right now, lately I've been waiting for Subway to open, because they're opening a place right across from McDonald's, they have not opened in the, I don't know, three weeks, I had started school because I haven't had a job and all I'm doing is waiting till either that, I mean obviously that's not what I should do, you know, because that's why I'm here.

Judge: Well, I don't understand why you haven't gotten some other sort of a part-time job. Why didn't you work at the fair?

Defendant: I don't know.

Judge: I mean, they were crying for help. You could have worked that 17, 20 days and earned far more than enough to pay this off. As far as I know, there's all kinds of part-time jobs out there cause I see help wanted signs everywhere.

Defendant: Yeah.

Judge: I saw one at the little restaurant right over here yesterday.

Defendant: And I have applied to a number of places, Your Honor, and I don't know, I mean maybe they don't like my appearance, or I don't know.

Judge: Well, that's one reason. Why don't you change your grooming then?

Defendant: I have, I've done everything. I mean I have been trying, that's all I can say is, I have been trying.

Judge: Well, you're not going to get a job in a fast-food place the way you look.

Defendant: I'm sure of that.

Judge: Beg your Pardon?

Defendant: I said I'm sure of that.

Judge: Well, then why don't you change it?

Defendant: I have, Your Honor, I have.

Judge: How do I, explain that to me sir?

Defendant: Okay, well what is your, what do you think is wrong with my appearance for working in a fast food restaurant?

Judge: Your hair is too long and your beard too long.

Defendant: I've shaved it all off, you know, I've shaved everything.

Judge: Well, then it must have been a long time ago.

Defendant: Well, yeah, my hair, but not, not my facial hair.

Judge: Because then you must not have made any applications at a fast food place within the last month.

Defendant: No, not within the last month.

Judge: Well, how come?

Defendant: I don't know, Your Honor. I mean I've been busy with school, I've been waiting for Subway, I, you know, my fault is because I did not come and I did not communication with you and that is my, that was my problem.

Judge: What are you proposing then sir if I give you chance number three?

Defendant: Is that I will go out and if I cannot find a job, or if there is any reason why I pay the fine, I mean, I will come and communicate, I will tell you.

Judge: I'll expect, I'm going to release you and I'm going to expect you back one week from today.

Defendant: Okay.

Judge: Groomed differently unless this has been paid in full. And I'll want to know where you've made an application for a job and I'll want to know what the results are.

Defendant: Okay.

Judge: I think I'm making a mistake, Mr. Sattler, because I think you're sitting there laughing at me.

Defendant: No, I'm not, sir.

Judge: It sure appears it to me.

Defendant: I, I am not.

Judge: I mean this is the third chance I've given you.

Defendant: I realize that sir, and I've sat, I've sat in there for the last four days thinking about it, you know, I mean I've screwed up and then I've been thinking of what I could tell you because, this, you know, I considered your reaction which is, you know, exactly what you're doing, I mean that's only fair, you know, and all I can say is I'm asking you to give me another chance.

Judge: I've just done it. I'll expect you back here in one week. And I'll see how much you pay then and I'll see what you've done with your grooming and I'll want to know what you've done as far as applications are concerned. If you'll step up here the court clerk will have you sign a statement that the entire amount is to be paid in full within one week but with the understanding that I won't expect that, but I will expect you to be back.

Exhibit 9

October 22, 1996

Judge A. Eugene Hammermaster presiding.

From Tape No. 96-38.

City of Orting v. Michael Sita, Case No. 4605.

Judge: Next is the City of Orting versus Sita, S-i-t-a. Have a chair please, sir. Is your name Mike Sita?

Defendant: Yes sir, it is.

Judge: Mr. Sita, do you know why you're here?

Defendant: Yes, sir, I do.

Judge: Why are you here?

Defendant: My payments weren't met.

Judge: Beg your pardon?

Defendant: My payments weren't met.

Judge: I still didn't hear you.

Defendant: My payments weren't met.

Judge: And then any reason why I should be talking to you? I mean shouldn't you just stay in jail until somebody comes and pays it?

Defendant: Well, I don't think it'd ever get paid.

Judge: Okay, well, then you can stay in jail forever then, is that what you think makes sense?

Defendant: No, cause it would just be (inaudible).

Judge: Beg your pardon?

Defendant: It'd just be a waste of money, taxpayer's money.

Judge: It wouldn't be a waste of money, it might be a waste of your time, but it wouldn't be a waste of money. I mean what's the other alternative, sir?

Defendant: I'm working now.

Judge: Because apparently this is not the first time you've been in this same situation.

Defendant: Yeah.

Judge: So, I almost have to conclude that you're lying to me.

Defendant: It's been really hard to catch up.

Judge: Well, but you didn't come back to court. Why didn't you come talk to me?

Defendant: I don't know, sir. I don't have an excuse for that.

Judge: In fact I see when you were here back in May, I made that exact discussion, if there's a problem with the payment plan, contact me. And you didn't do it.

Defendant: See, my aunt was supposed to pay it and I thought she did and by the time I found out, you guys had already sent me the warrant in the mail. I just didn't do nothing about it.

Judge: Is she going to come in and pay it today then?

Defendant: I don't believe so.

Judge: Well, I'm not inclined to release you sir. Can't trust you. I mean even when you were released last time you didn't come back to court.

Defendant: I didn't know I had to come back to court, sir.

Judge: Beg your pardon?

Defendant: I didn't know I had to come back to court.

Judge: Well, sure, you knew it. What did you think you were released on? That doesn't make sense.

Defendant: I was supposed to pay payment.

Judge: No, no, I'm talking about when you were, yeah, but a letter was sent to you.

Defendant: I never got no letter, sir.

Judge: Beg your pardon?

Defendant: I never got no letter, sir.

Judge: Why would you not have received it?

Defendant: I've been living at my grandpa's instead of my aunt's.

Judge: Doesn't your mail get forwarded to you?

Defendant: No, cause I don't really get any mail there.

Judge: Where do you live sir?

Defendant: Buckley.

Judge: Address?

Defendant: I can't remember it, sir.

Judge: Well, according to this, when you signed your statement in May it was 16315 259th Avenue East. Is that correct? P.O. Box 1110.

Defendant: Yeah, South Prairie, that's my aunt's address.

Judge: That says Buckley. I'm not going to release you without some payment.

Defendant: I have some money right now that I can put on it.

Judge: How much are you proposing to pay today?

Defendant: A hundred, that's all I got, I mean, that's cutting into the water bill and, I'm just now starting to get on my feet.

Judge: I don't understand why you didn't come back and talk to me, sir.

Defendant: Every time I go to jail I lose my job so I got to go and find another job.

Judge: Well, that's because you don't come back and talk to me.

Defendant: Yeah, I know it.

Judge: Some reason you don't do that? I mean according to this, you've had at least three, if not four, warrants that have been ordered, here's even a fifth one. I can't trust you. By whom are you employed sir?

Defendant: Leon Wickheiser.

Judge: Who?

Defendant: Leon Wickheiser.

Judge: And what do you do for him?

Defendant: Work on logging trucks. Grease monkey, I guess.

Judge: I'm not going to release you unless we get a guarantor who will pay it if you won't. Your word is worthless. You've lied to me too many times sir.

Defendant: I ain't really lied sir, I just---

Judge: What do you call it when you tell me one thing and don't do it? And then you don't come back and talk to me. I have to arrest you. We even send you notices and you still don't come back. What do you call it?

Defendant: I never got no notices.

Judge: Why would you not get them sir?

Defendant: Cause I ain't living with my aunt and that's where all my mail's been going.

Judge: Why do you not get your mail?

Defendant: I never went to pick it up.

Judge: Why not?

Defendant: I don't know.

Judge: Beg your pardon?

Defendant: I don't know sir. I can't drive, I haven't been pulled over since then. I haven't been driving. I mean it's kind of hard trying to not to drive and go to work too, and plus, you know, stay afloat.

Judge: What's the amount that is owed? Oh, here it is. I will allow you to be released on the following conditions. Pay a hundred dollars and either have a guarantor who will pay the rest if you don't, or have your employer agree to make payments direct to the court out of your pay.

Defendant: I get paid under the table, so.

Judge: Then that obviously isn't going to work. So you either find a guarantor or stay in jail. I don't know, Mr. Sita, maybe what I should do is find you in contempt of court, and you know what that means, don't you?

Defendant: No, sir.

Judge: You don't know what that means. Let me tell you. If I find you in contempt of court, you have to pay the cost of being in jail, 40 dollars a day. What that means is that every day you'd owe another 40 dollars, every week you'd owe another almost 300 dollars, every month you'd owe almost 12 hundred dollars, every year you'd owe over 12 thousand dollars.

Defendant: Sir, how would that ever get paid?

Judge: You wouldn't. The normal intent of that is to require you to stay in jail the rest of your life. That's what the intent of that is. Is that what I should do?

Defendant: No, sir.

Judge: When are you going to deal with the matter.

Defendant: I mean, I got picked up walking yesterday. I mean why is there not real people, you know, that---

Judge: Why is what?

Defendant: People that do stuff real wrong, I mean, you guys treat them the same as someone who just can't pay a payment.

Judge: And so I should let you laugh at the court---

Defendant: I ain't laughing, sir.

Judge: Lie to the court time and time and time again, sir?

Defendant: Sir, I've tried to pay it and if I could, I would.

Judge: Then why didn't you come back and talk to me?

Defendant: Working.

Judge: Then why haven't you paid it?

Defendant: Don't make enough money.

Judge: Then why don't you come talk to me? See, everything I'm hearing you say sir is, yes, put me in jail the rest of my life.

Defendant: No, sir, that's not what I want.

Judge: I don't see any other choice. Do you have another suggestion? Do you not find it amazing that this is over three years old?

Defendant: Yeah.

Judge: Beg your pardon?

Defendant: Yeah, I do.

Judge: That in three years you've not taken care of this. Understand that you could have picked berries and got it taken care of in that time.

Defendant: If I didn't have five thousand more of 'em.

Judge: Well, how many have you paid off in the last three years? Any at all?

Defendant: Yeah, about nine.

Judge: Beg your pardon?

Defendant: About nine.

Judge: Prove it. I think you're lying again.

Defendant: I sat a lot of 'em out.

Judge: I don't think you've paid a penny on one of them.

Defendant: Never had no money to pay on this---

Judge: Well, now why did you tell me you paid on nine of them when you paid on none?

Defendant: I sat nine of 'em out in jail, it's the same thing as paying them.

Judge: And I'm not going to let you do that. If I do it, it'll be just the reverse. You'll owe 40 dollars a day. That's the court's order, either you get a guarantor who will pay it if you don't.

Defendant: In how much time?

Judge: What are you proposing, sir?

Defendant: I make about 250 dollars a week.

Judge: Then why couldn't you just pay half of it? That's a lot of money.

Defendant: It's a lot of money, and then you got rent and then you have power and then you got water and then you got heat.

Judge: Where do you live? I thought you were living with one of your family members?

Defendant: Yeah, but I still got to pay.

Judge: Beg your pardon?

Defendant: I still got to pay. I don't live in their house, I live in a trailer.

Judge: I don't think you're telling me the truth, sir.

Defendant: Sir, do you want to go to my house?

Judge: With whom do you live?

Defendant: I live by myself in my own trailer.

Judge: Where.

Defendant: I live on my grandpa's property.

Judge: And what does your grandfather charge you for rent?

Defendant: He doesn't really.

Judge: Okay, so you don't have any rent to pay.

Defendant: But he does, I work for him and he does take it out of my pay.

Judge: Okay, then you don't have any rent to pay. You still have the 250 dollars a week.

Defendant: Not really, sir.

Judge: Go ahead, I'm listening.

Defendant: There's a lot of things you got to pay.

Judge: Tell me what?

Defendant: I'm spending over a hundred dollars worth of food a week.

Judge: Why so much?

Defendant: Because I have a girlfriend that lives with me.

Judge: Ah, so you're supporting somebody else, why didn't you get rid of that? Is she employed?

Defendant: She's trying to find work.

Judge: So you're supporting somebody.

Defendant: Yes.

Judge: I'd suggest you get rid of her. So you're just throwing away money there. Why is she not working?

Defendant: I don't know, sir, I really don't.

Judge: Then why are you allowing her to live with you and freeloading off of you?

Defendant: I don't know.

Judge: It appears to me you basically have zero living expenses. You're living rent free.

Defendant: I have to work for it.

Judge: I know, but it doesn't come out of your pay. I don't think you're telling me the truth, sir.

Defendant: My grandpa gives me money for like, food.

Judge: Beg your pardon?

Defendant: My grandpa gives me money for like, food, anything I need, stuff like that, clothes, stuff like that, but he never really gives me money.

Judge: Well, who are you getting the 250 dollars a week from?

Defendant: Any side job that I can do.

Judge: Okay, all right, so that's money over and ahead. Why don't you get a regular job?

Defendant: Cause they don't want to hire when I dropped out of school.

Judge: Then why don't you go back to school.

Defendant: I'm too old.

Judge: Come on. Boy, you just keep lying, after lying, after lying. I don't think you're 40 or 50 years old, are you, and I know people that age that are going back to school.

Defendant: Yeah, if you can afford it.

Judge: I don't know why I'm wasting this time with you sir. I'm going to speculate that the big problem is you didn't receive enough discipline when you were growing up.

Defendant: Maybe so.

Judge: And you're still acting like a child. Everything's me, me, me.

Defendant: Take care of yourself first.

Judge: Beg your pardon?

Defendant: Have to take care of yourself first.

Judge: That's exactly the wrong attitude, sir. I will allow you to be released on payment of 100 dollars and I will expect the remainder to be paid at the rate of 50 dollars per week, and if you don't pay it that a guarantor pays it. But I'm not going to allow you to be released unless there is a guarantor who will pay it if you don't. You want to make out that payment plan. You can step up here and sign the payment plan and whenever you pay the 100 dollars and bring in a, or have a guarantor come in and

sign it, you'll be released.

Exhibit 10

August 27, 1996
Judge A. Eugene Hammermaster presiding.

From Tape No. 96-25
City of Orting v. John Powell, Case No. 6120

Judge: City of Orting versus John Powell. John Powell present in court? Are you Mr. Powell?

Defendant: Yes.

Judge: Mr. Powell, do you know why you're here?

Defendant: Yes.

Judge: And why are you here.

Defendant: (Inaudible) I was summoned for fail to pay fines.

Judge: Any reason I should even be talking to you. In other words, shouldn't you just stay in jail until somebody comes and pays it?

Defendant: (Inaudible)

Judge: Beg your pardon?

Defendant: Well, I wish that could be possible, but I don't have any family out here, other than my son, and --

Judge: Well, should you not stay in jail the rest of your life? I mean, it looks to me like we've gone through this kind of a thing before, have we not? No, this is your first -- no, this is not your first bench warrant. You've had bench warrants before. For the same reason: non-payment.

Defendant: Well, I had just gotten out of the last one, and was PR'd, your honor, had just gotten to work, in fact (inaudible) when I was arrested, and I've been locked up the last three months --

Judge: But you signed a promise to pay way back in 1995, sir.

Defendant: Yes, sir.

Judge: And you've paid nothing.

Defendant: Well, like I said, I just gotten back to work, I've had a lot --

Judge: What does that have to do with not paying?

Defendant: Because I didn't have it to pay you --

Judge: Well why didn't you come talk to me?

Defendant: Aw, shoot, I accept full responsibility for that.

Judge: Okay, so I'm gonna put you in jail for the little over a year that you didn't come talk to me and then I'll come talk to you after a year. Make sense? That what I should do?

Defendant: No, sir, I mean --

Judge: And by the time that year's gone by you'll owe another 12,000 dollars. Because if I do that, I'll find you in contempt of court, and that means you have to pay 40 dollars a day for each day you're in jail. And 40 times 365 is over 12 thousand dollars. That make sense to you?

Defendant: Yeah.

Judge: It does make sense?

Defendant: I mean, I would like to get this matter straightened up --

Judge: But I don't think you're going to. You've lied to me time and time again.

Defendant: (inaudible) - try to get this matter taken care of --

Judge: Why would I not think you're lying now? How much are you proposing to pay today?

Defendant: Sir, I couldn't pay anything today, because, like I said, I was looking for work when I got arrested. I've been incarcerated the last three months.

Judge: Why have you been incarcerated?

Defendant: I was sent to work on a vehicle, and while I was there they made a raid, and I had nothing to do with it --

Judge: Why were you incarcerated for three months.

Defendant: Because it took them that long to find out, through investigation, that I had nothing to do with it.

Judge: And where were you incarcerated?

Defendant: Pierce County.

Judge: Why did you not pay in September, and July, and August of a year ago, like you promised.

Defendant: When I came back in front of you then, I had more medical surgery on my arm again, and I just got back where I can operate and use this hand.

Judge: Then why didn't you come talk to me in July, August, September of 1995.

Defendant: I don't have any excuses for that, I didn't go and do that.

Judge: Why should I not treat you the same way you treated me? Where do you live, sir?

Defendant: (inaudible) Lakewood.

Judge: And with whom do you live there?

Defendant: (inaudible) friends.

Judge: What type of employment do you have available to you?

Defendant: Doing mechanic work, sir.

Judge: For who?

Defendant: For a landscaping company out of Lakewood.

Judge: Do you have an employer lined up?

Defendant: Yes, sir.

Judge: I'll tell you what I'm going to do, Mr. Powell. I'm going to give you one more chance before I throw the key away. I'm going to allow you to be released from jail. I'm going to expect that before next Tuesday, you will have your employer sign a letter whereby he agrees to pay to the court 50 percent of your earnings until this is paid in full. He'll take 50 percent out of your check until this is paid in full. Now, the only amount you owe is what - \$375? \$275. Otherwise, I am going to expect you back in court next Tuesday. How often do you get paid?

Proceedings continue, time payment set up , defendant ordered to provide letter from employer agreeing to pay 50 percent of earnings directly, to be paid in full by end of September.

Exhibit 11

June 11, 1996

Judge A. Eugene Hammermaster presiding.

From Tape No. 96-07

City of Sumner v. Lester Leggitt, Case No. 13846

Judge: Lester Leggitt. Mr. Leggitt is here for what purpose?

Clerk: He is here on a bench warrant for...

Judge: For non-payment of fine.

Clerk: Correct.

Judge: All right, Mr. Leggitt, any reason why I should even be talking to you?

Defendant: The last time I came back in on my own because you had ordered my bail to be revoked and I came back in to set up a payment schedule with you.

Judge: Which you did do.

Defendant: Right, cause I just got a new job. Well, the job didn't pan out because the work that they --

Judge: Why didn't you come back and talk to me? Why was it necessary to arrest you?

Defendant: Because I'm in Pierce County (inaudible) program and I've been trying, I've been working out with them to try to get on some kind of payment schedule.

Judge: What does that have to do with coming and talking to me?

Defendant: Because I wasn't able to pay the money I was going to get with them, they said they would --

Judge: Well, I know, I mean because you weren't able to pay money why didn't you come back and talk to me? Why did we have to arrest you?

Defendant: That's what we were going to do next week, we were going to come back in and talk to you to see if we could get some kind of, work some kind of deal out on like a community service.

Judge: I know, but I mean, your first payment was due on April 26.

Defendant: I understand that, sir.

Judge: That's when you should have come in, on April 27. Why didn't you?

Defendant: Because I wasn't able, I didn't have the money then.

Judge: I know, but that's what I'm saying, if you had the money you wouldn't have needed to

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come in and talk to me, but the question is, why did you not come in and talk to me when you didn't have the money, why was it necessary to arrest you?

Defendant: I was, I was going to come back in is what I was saying, to work out some kind of thing with you as far as --

Judge: I mean the question I have Mr. Leggitt is why should I not treat you the same way you treated me? That basically means throw the key away.

Defendant: Because I'm trying to get this taken care of.

Judge: I can't believe that. I have to consider that to be a false statement. If you were trying to get it taken care of you would have been in here on April 27.

Defendant: I understand that sir.

Judge: Or when we sent you a letter, you would have responded to the letter, you didn't respond to the letter either. You didn't even respond to the warrant. I mean we sent you a letter when, on May first. .

Defendant: I moved, I moved since then sir.

Judge: Well, are you saying you didn't get it?

Defendant: I didn't, I didn't receive it. I already knew that I --

Judge: Then you didn't tell us about your change of address, either.

Defendant: Right.

Judge: So I mean every time you turn around you're acting worse.

Defendant: Well I was going to try to resolve the matter by doing some kind of community service, that's what I was trying to tell you, I'm in this program.

Judge: Obviously you're blowing a lot of smoke Mr. Leggitt. What you're facing and I'll hear from you, is should I find you in contempt of court for your failure to comply with this court order and your promise. And I'll make this comment to you, if I do find you in contempt of court that means you stay in jail until it gets paid. And, in addition, if you're in contempt of court, you have to pay the cost of being in jail. That means that this fine gets added to at the rate of 40 dollars a day, that's what, almost \$300 a week, over a thousand dollars a month, over 12 thousand dollars a year, that probably means a life sentence for a lousy \$350 fine. That's what contempt of court means, sir.

Defendant: I understand that.

Judge: And that's what it appears to me you've been doing. Now tell me why you're not in contempt of court. I haven't heard a straight answer from you yet.

Defendant: I'm just saying, I just got in a drug program.

Judge: What does that have to do with your coming to talk to me?

Defendant: I'm trying to get all my life squared away, you know, I mean I haven't...

Judge: Why didn't you come talk to me?

Defendant: I have no reason for that, sir.

Judge: That's what you should have said ten minutes ago instead of bamboozling me. All I can assume is that you're still blowing smoke and that you're not telling me the truth. Now how are you going to get this paid, or do I throw the key away, do I treat you the way you treated me?

Defendant: I have a job now, and I can pay within 30 days, it's not a problem.

Judge: Where do you live?

Defendant: I live at 14901 Washington Avenue, Tillicum.

Judge: By whom are you employed?

Defendant: My dad (inaudible).

Judge: Is he willing to guarantee the payments?

Defendant: I don't see why not.

Judge: I mean that he'll write them straight out of your check?

Defendant: I don't see why he wouldn't.

Judge: All right. And how often do you get paid from him?

Defendant: Every two weeks.

Judge: All right, so you're suggesting that half of it be paid in two weeks and the other half in four weeks?

Defendant: Yes.

Judge: And your father/employer will agree to take half of it out of your pay check

Defendant: I don't see why not.

Judge: If he will agree to do that, I will agree to release you on that payment plan.

Defendant: How do I do that, how do I go about?

Judge: You give him a call and have him either write a note or come down and sign a statement that he agrees that he'll take half of it out of your next two pay checks, cause it's up to \$400 cause we had to issue a bench warrant, so he'll take \$200 out in two weeks and \$200 in four weeks.

Defendant: If he won't do that, what do I do?

Judge: Then we got a problem, because you just told me he would.

Defendant: I said I don't see why not he wouldn't. I mean.

Judge: I don't see any reason why he wouldn't either, I guess I have a question, why wouldn't he do that? I mean rather than giving it to you why wouldn't he just mail it to the court?

Defendant: I can't speak for him on that, sir.

Judge: Okay, but I mean I don't see any reason why he wouldn't do it either.

Defendant: I don't either, but you know --

Judge: If he doesn't, I guess you'll have to come back and try and talk me into something else, but that's the proposal I'm hearing you make.

Defendant: Well can I just, can I pay it on my own in two weeks cause that would be easier for me, I will pay it.

Judge: I can't trust you, can I?

Defendant: Yeah, you can.

Judge: It doesn't look like it to me.

Defendant: I go in front of a judge every two weeks, Your Honor, in Pierce County.

Judge: But you didn't come here.

Defendant: I know that.

Judge: And so I have to assume you're lying to me.

Defendant: I'm not.

Judge: Well you certainly have been so far. I mean if you're not now, it's the first time.

Defendant: I'm just trying to get it squared away.

Judge: At this time I'm going to proceed on the basis that your employer will agree to remit direct to the court the sum of \$200 out of each of the next two pay checks and if for some reason he won't, then you'll have to come back and tell me why he won't. All

right, that will be all today.

Exhibit 12

June 11, 1996

From Tape No. 96-07

Judge A. Eugene Hammermaster presiding.

City of Sumner v. Jason Luddington, Case No. 16210

Judge: All right, Mr. Luddington, any reason why I should be talking to you?

Defendant: No, there isn't really any reason.

Judge: So I should find you in contempt of court and throw the key away?

Defendant: I, I know I haven't kept with my payments, but I called my employer and had them write out a note saying that they would garnish my wages (inaudible) you.

Judge: Yeah, but it doesn't say that.

Defendant: I don't know what it says.

Judge: Well, it says "Jason Luddington is employed by Wendy's International. His position here is secure. Any notice or request for garnishment can be forwarded to our regional office in Renton." We're not talking about a garnishment, we're talking about you signing a statement directing your employer to pay direct.

Defendant: I can have that done.

Judge: You need to, and their willingness to do that.

Defendant: I've already talked to them, they said they were willing to.

Judge: Okay, well then you need to give them instructions to pay the court direct and they need to sign a statement that they will follow those instructions and that they will pay the court direct.

Defendant: How do I go about doing that?

Judge: Well what do you mean, how do you go about doing that?

Defendant: I mean, the last time, I've had this done with another job that I had until I lost it and all I did was I just went in there, you released me, I went in there and told them that they had to garnish my wages and they just did it all on their own.

Judge: Well, then they did it on their own, but according to this that apparently isn't going to happen on its own the way this is. It looks to me like you need to give this Natalie Hall a call and tell her what it is that we need to have done. We need something signed by your employer that says your employer will send direct to this court X number of dollars out of each of your pay checks. How much are you proposing to do Mr. Luddington?

Defendant: I can do a hundred and fifty every two weeks.

Judge: Why have you not paid any of this?

Defendant: Because I've been out of work and --

Judge: Then why didn't you come back and talk to me? Why do we keep going through this scenario?

Defendant: I, okay, let me think about this. I did try to send a payment once, it was a small payment and I tried to get it here before the warrant was issued and then the warrant was issued.

Judge: I know, but why didn't you come to court?

Defendant: Because the warrant was already issued and --

Judge: What difference does that make?

Defendant: Because I thought I'd just end up getting thrown in jail for it and I didn't want to go to jail.

Judge: Then why didn't you come before it was issued?

Defendant: I tried to send a payment.

Judge: Well, why didn't you come?

Defendant: I thought if I sent the payment it would help.

Judge: But you didn't send the payment either.

Defendant: I sent a 20 dollar payment in and it didn't make it on time. It made it like a day after the warrant was issued.

Judge: Well, you're going to need to have your employer sign a piece of paper that they will send direct to the court each month, each paycheck out of your paycheck.

Defendant: Okay.

Judge: How you have them do that, they can just write a letter that says whether they want you to write a letter to them first and whether they write a letter to you, that's between you and your employer, but I want a statement from your employer that they will pay direct out of each pay check to the court. And you're proposing 150 dollars every two weeks?

Defendant: Yeah.

Judge: I will allow you to do that, but you need to get something signed by your employer that they will do that.

Defendant: Before I can be released?

Judge: Before you can be released.

Defendant: Okay.

Judge: And this note that I have here gives a name and a phone number apparently with what, that's your supervisor.

Defendant: Yeah.

Judge: Natalie Hall.

Defendant: She's the manager of the whole store.

Judge: Okay, you need to call her and you need to explain to her that you need something signed by her or somebody that they will hold out of your pay check and if they require you to make a request then you have to make the request. You would make a request to your employer that says please send 150 dollars out of each pay check to Sumner Court and then they would approve that and we would have an approved copy of that in the file.

Defendant: Okay.

Judge: Understand?

Defendant: Yes, I do.

Judge: All right. That will be all today then.

Exhibit 13

June 11, 1996

Judge A. Eugene Hammermaster presiding.

From Tape No. 96-07

City of Sumner v. Arcelio Aparicio-Zaldivar

No. C00010365

Interpreter used.

Judge: It's a review hearing. Next is the City of Sumner and Arcelio Aparicio-Zaldivar. What are the alleged violations of probation?

Clerk: He was supposed to sell his car if he was not licensed and not have any violations. He is still not licensed and has had violations since he was sentenced.

Judge: All right, Mr. Aparicio, why have you not sold your car?

Defendant: I haven't been able to sell my car.

Judge: Then you better give it away. Otherwise I have to put you in jail. Have you become legal?

Defendant: No (inaudible).

Judge: Then any reason why I shouldn't order you to go to jail? Or order you to leave the country immediately? Why have you not become legal? I mean that was six months ago when you were here, sir.

Defendant: I am going to try to sell or whatever to do with my car.

Judge: What about becoming legal? Have you enrolled in a class to learn English?

Defendant: Yes.

Judge: Do you have that proof with you?

Defendant: Yes, I could show you proof but I would have to go home and get it.

Judge: Go get it. I'll expect you, I'm going to set this over one week Mr. Aparicio and I'm going to expect that your car will be sold by then and I'm going to expect that you will bring back with you next week the proof that you have enrolled in an English speaking course, and if you have done nothing to become legal I'm going to expect you to come back next Tuesday and tell me your date that you're leaving the country. Because six months have gone by, Mr. Aparicio, and you have done nothing. Are you employed?

Defendant: (inaudible)

Judge: Does your employer know you're not legal? Who's your employer?

Defendant: I don't know his name.

Judge: Where is he located?

Defendant: In Graham.

Judge: What do you do for him?

Defendant: Landscaping.

Judge: I'll expect you to bring in his name, address and telephone number next week also, because you need to become legal Mr. Aparicio or you need to leave. All right, I'm going to set this over one week and I'll expect you back next Tuesday with that information, with the car sold and we'll proceed from there. That will be all today Mr. Aparicio.

Exhibit 14

June 11, 1996

From Tape No. 96-07

Judge A. Eugene Hammermaster presiding. City of Sumner v. Ramon Perez-Cuiriz, No. C00010069
Interpreter used.

Judge: Mr. Perez-Cuiriz, why were you driving without a valid license?

Defendant: I was just going on errands sir.

Judge: Why do you not have a license?

Defendant: I usually don't drive.

Judge: Whose car were you driving?

Defendant: It belongs to my brother.

Judge: Where do you live, Mr. Perez?

Defendant: I have (inaudible) 6109 Parker Road East, Sumner, Washington.

Judge: Are you employed?

Defendant: No, I'm not.

Judge: Why are you not employed?

Defendant: I was injured while I was working and --

Judge: Are you legal?

Defendant: No, I don't.

Judge: When are you going to become legal?

Defendant: (no response audible)

Judge: I'm going to require that you become legal within 90 days or leave the country. In addition, I'm going to require that you enroll in a course of study to learn to speak, read and write English. All right, on the charge of no valid driver's license I herewith levy a penalty of \$250 and I'm going to suspend one-half of it, \$125, on the conditions that I've previously outlined, that is, you enroll in a course of study to learn to speak, read and write English and that you become legal within 90 days or leave the country, and that you not operate a motor vehicle so long as you're not validly licensed and not validly insured. And, in addition, you're not to own a motor vehicle, nor have any ownership interest in a motor vehicle until you become validly licensed, validly insured and legal. On the negligent driving, I'm going to levy a penalty of

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EXHIBIT 14

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\$300 and I'm going to sentence the defendant to 30 days in the city jail and I'm going to suspend one-half of the monetary penalty and all of the jail sentence on the same conditions that I outlined for the driver's license suspension, plus you're to be responsible for any damages you caused, because I see there was damage to the shrubbery and the sign. Now if you live up to that probation you will owe to the court the sum of \$275, excuse me \$375, no \$275, yeah \$275, right. Are you prepared to pay that at this time?

Defendant: No, sir.

Judge: How are you proposing to pay it?

Defendant: I'm just waiting for the settlement, sir and I don't have the money right now.

Judge: By when do you expect to have it?

Defendant: May I ask for time payment plan?

Judge: What are you proposing?

Defendant: Like (inaudible) dollars a month.

Judge: No, that would take ten months, that would take almost a year. I'll allow you to pay one-half of it in 30 days and the balance in 60 days. If you'll step up here the court clerk will have you sign a statement concerning that payment plan.

Exhibit 15

November 12, 1996

From Tape No. 96-41

Judge A. Eugene Hammermaster presiding. City of Sumner v. Jason Allen Amburgy, No. C00010460.

Judge: Next is the City of Sumner and Jason Amburgy. I'll review the city's report, Mr. Amburgy, and then I'll hear from you. All right Mr. Amburgy, I will hear from you. Why did you do what you, what took place here?

Defendant: All right, well, I was in Western State for, since that happened. I was sick and I didn't have any medication cause I've got a bipolar disorder, manic depressant and I, I did it because I just can't stand, I can't get a job, I can't get a job. I've filled out applications already, I did, they put me in Western State because of this, part of this. At the same time they put me in Western State. I was in there, first it was a couple of weeks at Puget Sound, then it was 90 days in Western State. They released me on Halloween this year and I've already filled out applications and I was, I was happy to be alive today just to be able to come down here because I can't handle it, I'm ready to go to the hospital again today. I can't handle it. I try to get a job everywhere man and nobody will fucking hire me. I can't stand being alone and being bored all the time.

Judge: Why not?

Defendant: Because there's nothing to do. I don't have, we don't have television, we get channel 11 and maybe half of 13.

Judge: Why don't you go to the library and get some books and read them?

Defendant: I did that once already.

Judge: Well, once, why don't you do it every day?

Defendant: I just want to work is all I want to do.

Judge: Well, while you're looking for a job, why don't you improve yourself?

Defendant: I put out three applications in the last few days.

Judge: Okay, well, that's fine.

Defendant: Two of them in Sumner here.

Judge: But I don't understand why you would say you're bored when there's all kinds of books you can read and there's all kinds of classes you can take.

Defendant: Well I'm taking this high doses of medication and--

Judge: What does that have to do with reading books and going to classes?

Defendant: I didn't know you can go to classes.

Judge: Well I don't know why you wouldn't know it, they're advertised everywhere. You must not be reading the papers that come out then.

Defendant: I haven't been reading that part.

Judge: Why don't you?

Defendant: I don't know.

Judge: I mean, you could immerse yourself in enough classes that you wouldn't have time to spit.

Defendant: What class, where?

Judge: I don't know, what kind do you want to take?

Defendant: I don't have any way to get there.

Judge: Walk. Ride a bicycle. Go to the ones that are at the high school. Go to the ones that are at the senior center. Go to the ones that are at the library. Go to the ones that are at Puyallup High School. Go to the ones that are at Pierce College. I mean, I receive in the mail all the time brochures that list 15, 20, 30 different classes, maybe a hundred different classes on different subjects. For somebody to say they're bored is ridiculous. If you're bored it's your own fault. It sounds to me like a bunch of pity pot, feeling sorry for yourself, which as far as I'm concerned is garbage.

Defendant: Everything costs money. I don't even have money.

Judge: What does that have to do with going to these classes?

Defendant: Well, I don't have no food.

Judge: Sir, what is it you're asking of me? Are you asking me to be your father?

Defendant: Nothing, nothing. I don't know.

Judge: See, all I hear from you is a bunch of excuses. I mean every time I respond to one of your excuses you come up with another one. I mean it just doesn't make any sense to me, sir. Where do you live?

Defendant: Right here in Sumner, 1616 Wright Avenue.

Judge: With whom do you live there?

Defendant: My father.

Judge: Well, then who pays your living expenses?

Defendant: I got Social Security.

Judge: Well, then, what do you mean you don't have any income, you're getting a Social Security grant.

Defendant: But it doesn't go very far. My rent is three hundred and then I owe some other bills.

Judge: I thought you said you were living with your father.

Defendant: Yeah, I am.

Judge: And does he charge you three hundred?

Defendant: Yeah, half rent.

Judge: And does that include your room and board?

Defendant: That doesn't include, that just includes, yeah, room and board, but not food.

Judge: And how much do you receive from SSI?

Defendant: Five fifteen.

Judge: Okay. Do you get food stamps besides?

Defendant: No.

Judge: Why not?

Defendant: Cause last time I applied for it, they only give me, because of how much money I was making, they only give sixteen dollars worth.

Judge: Well, sixteen dollars is sixteen dollars isn't it?

Defendant: Yeah.

Judge: Well, why don't you go apply again? But in the meantime why don't you go find out what kind of courses and classes are available to you?

Defendant: I didn't know there was any classes available. I'd like to go to one at the high school--

Judge: Well, why don't you go check and find out what kind of adult classes they have.

Defendant: I wonder, do they cost any money?

Judge: I, as far as I know they cost very, very little but you can check and find out. They

probably have procedures for low income people besides. Go check at the high school, go check at the library, go check at the senior center, that's usually the places where they offer them. Even check here at City Hall. I don't know, if you look on the bulletin board out there you might see a whole list of classes published. I mean it appears to me you're just sticking your head in the sand and feeling sorry for yourself, and frankly I don't buy that. For somebody to say they're bored, then go volunteer some place.

Defendant: I just thought the only classes were at Pierce College and that's, that's 40 miles probably, I don't know how many miles.

Judge: Forty miles -- it's right up on the hill above Puyallup. You could probably walk there in three hours.

Defendant: Oh, that little one up there?

Judge: Little -- it's huge.

Defendant: I always thought the one way out there across the street from Western State.

Judge: I'm talking about Pierce College up on South Hill by the mall.

Defendant: Oh, I know where that one is.

Judge: And if you call that little, then Sumner High School must be an outhouse, cause it's probably ten times as big as Sumner High School. And volunteer. Go to the senior center and ask them if you can volunteer. Go to some church and ask them if you can do some volunteer work, if there are some senior citizens that you can do yard work for.

Defendant: Where is the senior center? I don't know where the senior center is.

Judge: Why don't you ask? I mean, it just doesn't make sense to me. I mean. there's all kinds of people looking for volunteers.

Defendant: Well, there's this Calvary Church over here that was hiring for janitory work. I filled out an application there.

Judge: Well, that's for a job, but until you get a job, you say you're bored, go do volunteer work. Offer to wash windows for senior citizens. Offer to do yard work for senior citizens, or whatever else kinds of things are available. I just, for somebody to say they're bored is ridiculous. As far as your TV set is concerned, I suggest you throw it away, nothing but garbage on it anyway. If you want something to do, go to the library and get a good book. Go to some church and get involved in their programs. Churches are always looking for help, whether it's, even maybe you could mow their lawns or wash their windows. If you went up to them and offered to do that they'd probably fall off their chair. You could spend all day washing windows at most churches and by the time you finished you'd probably have to start over again. So I just don't buy that, sir, for you to sit there and feel sorry for yourself. Maybe you can even wash somebody's automobile. Maybe you can even polish it. Maybe you can make the inside look as good

as new. Maybe you can go clean some older person's house or some disabled person's house. I mean I just don't agree with your analysis of being bored. That's a ridiculous excuse. I mean, see how bored you'd be if you were sitting in jail with nothing. I mean I wish I could be bored, I'd find all kinds of things I could do that I would like to do. I could do more work for my church, I could do more work for my community. I could even do more work for my mother.

Defendant: It gives me a lot of ideas now.

Judge: There's just all kinds of free volunteer things that you can do as far as work is concerned and in addition to that, you can go to the library and find, start at one end of the library and read through the whole thing. Learn a foreign language, learn to speak Spanish -- to read it, to write it, then maybe you can do some sort of volunteer work in the Hispanic community -- there's certainly a lot of them around here. Just for you to say that, to be bored is absolutely ridiculous. In fact I'm shocked that anyone would say that in our society. There's just hundreds of people clamoring for people to do volunteer work. Do you have a driver's license?

Defendant: No.

Judge: Why not?

Defendant: Cause I'm still trying to come up with the money to pay off the last ticket I got.

Judge: Any comments from the City?

City: No, Your Honor.

Judge: All right. On the plea of guilty, the court enters a finding of guilty and I'm going to sentence the defendant to 60 days in the city jail and I'm going to levy a penalty of \$500. I'm going to suspend all but \$150 of the penalty and I'm going to suspend, I'm going to suspend all of the jail sentence, but I'm going to do it on the condition that you stop being bored.

Defendant: Yes, sir.

Judge: And I'm going to expect you to report back to me within 30 days what you've done to stop being bored.

Defendant: Okay.

Judge: And obviously I'm not going to tolerate this kind of conduct, what took place back here in July.

Defendant: Okay.

Judge: Now you've been in Western State the last 90 days?

Defendant: Yes sir.

Judge: All right, then I will not assess a bench warrant penalty and I'm going to quash the bench warrant.

Defendant: All right, thank you.

Judge: So that saves you \$50 there. I'm going to expect you to pay your penalty within, I'm going to expect you to pay \$50 a month out of your SSI grant and when you obtain employment I'm going to expect you to pay an additional 50% of your employment until you get this paid.

Defendant: Okay.

Judge: Because I have a hunch that if you start doing volunteer work you're probably going to find a job. If you do a good job in volunteer work somebody's going to like it.

Defendant: Okay.

Judge: Or, who knows, even somebody might even give you a tip for the work you do. I don't have any idea. Or one of these jobs that you've put in an application, or as you're going around doing volunteer work you will see signs out for people that are looking for employers, employees and you can make additional applications and chances are you'll be successful in one of them. And so I'm going to, for now I'm going to provide that I want the entire amount to be paid in full by the end of February and so I'm going to assume that by then you will have obtained some additional employment.

Defendant: Okay.

Judge: And if not, you can just come back and talk to me.

Defendant: All right.

Judge: But clearly by then I'll expect that you'll be so busy reading books, learning a foreign language, going to a class, helping other people in volunteer work that you'll barely have time to get back here to talk to me cause you'll be working day and night in your volunteer work. Most volunteers I'm familiar with find it difficult to spend more than 12 to 15 hours a day doing it. You may find it difficult having time to find time to sleep that the demand on your volunteer time is so much. You'll probably be coming back next time and saying they're keeping me so busy I'm going to crack up. Now you're telling me you're so bored you're going to crack up and if you say well, I'm so busy I'm going to crack up, I know how to solve that too. There's a place here where you can have free room and board where you won't be busy at all, called the crow bar hotel. Ridiculous, is it not?

Defendant: Yeah.

Judge: All right, if you'll step up here the court clerk will have you sign a statement concerning

that payment plan.

Defendant: Thank you, Your Honor.

Judge: Court will be in recess.

Exhibit 16

October 22, 1996

From Tape No. 96-37

Judge A. Eugene Hammermaster presiding.

City of Sumner v. Jason Elliot, Case No. C00010705

Judge: Jason Elliott. All right, Mr. Elliott, I will hear from you, why were you driving without a valid license.

Defendant: The reason the license is suspended is I still have --

Judge: That's not what I asked you. I said why were you driving when you didn't have a valid license.

Defendant: I live with my girlfriend and her two daughters. And I was scheduled for a graveyard shift that evening. And, the only reason would be, I didn't want to have my girlfriend driving, and get the children out of bed that late in the evening.

Judge: Well, I'm still not understanding why you're driving without a valid license.

Defendant: I was wrong to.

Judge: Do you have a valid license today?

Defendant: No, I still have \$150 to pay to California, then I can be reinstated.

Judge: What about these here in Pierce, here in Washington. According to this, you have 2 outstanding citations plus this one. And that's keeping you from getting a license too.

Defendant: Those have already been taken care of.

Judge: When?

Defendant: I've already been to court for those.

Judge: Well, as of this morning, they've not been cleared.

Defendant: Well, I still have \$200 to pay, but --

Judge: So, okay, so they've not been taken care of.

Defendant: No, but I have seen the judge about them, though.

Judge: Well, I mean, that doesn't help. Does it? I mean, one is no liability insurance, that doesn't even include, involve a judge. The other one is, the one in Enumclaw, driving on the shoulder, that may involve a judge, I don't know. But neither one of them have been cleared off. And I'm going to guess the insurance one has probably been turned over to a collection agency. Do you know?

Defendant: Honestly, I thought those were taken care of already, the Enumclaw and the no insurance.

Judge: They're still showing, as of this morning. The insurance one dates clear back to 1994, 2 years ago. In Pierce County District Court No. 1.

Defendant: I just left there, and I thought they would have said something about that --

Judge: That's not a criminal matter, sir. It's a traffic infraction. The court's are never involved. Unless you choose to involve them. But if you thought it was something that involved the court, the court's not been involved in it.

Defendant: I just, I didn't know that.

Judge: So that's apparently a matter you've not dealt with at all. And I guess you probably have a \$700-800 penalty on the insurance one alone if it's gone over to a collection agency. And what's happened on the Enumclaw one, the driving on the shoulder?

Defendant: Well, they gave me the ticket, and they said it was like \$250, and I paid in cash. I thought that would be it with that.

Judge: Well, then you've not been to the court on that one either?

Defendant: I paid for the ticket --

Judge: You're not answering my question sir, have you gone to court on that?

Defendant: No, your honor.

Judge: So you've not dealt with either one of these then? How come?

Defendant: I thought by paying the ticket, I would be even with that, sir.

Judge: Well, no, but I know, when you got this citation back in September you knew your license was suspended. In fact, when they sent you the letter, back in 1995, you knew your license was suspended. Why didn't you deal with it then?

Defendant: I might not have been working at that time.

Judge: I mean, it was a year ago that they sent you the notice that your license was going to be suspended. And it looks like it was the Enumclaw one that caused your license to be suspended, well, they both did, you've got a double suspension. First suspension was sent to you after you got the insurance ticket. The second suspension after you got the Enumclaw ticket. Am I safe in assuming, you've stuck your head in the sand?

Defendant: That seems to have be what I have done, yes --

Judge: How come?

Defendant: Well. The bills are just, I'm having trouble --

Judge: I mean, why would you stick your head in the sand and let them double it?

Defendant: I just, I can barely, you know, afford --

Judge: And now you end up with another fine. And you end up in jail. Doesn't make sense to me, sir.

Defendant: Me either, your honor.

Judge: You decide you'd rather go to jail and pay twice as much as you need to. I don't understand why you would do that.

Defendant: I definitely don't want to do that your honor.

Judge: Well, why have you done it? What am I missing?

Defendant: Its just a money problem, you know, I'm trying, trying to get them paid, but you know rent, and the power and the phone, its just... I have a girlfriend with two young daughters, its very hard

Judge: Any reason why I shouldn't order you to sell your car?

Defendant: I don't own a car, your honor.

Judge: Well, who's car were you driving?

That was my girlfriend's.

Well, Maybe I should order you to stop living with your girlfriend, then, if that's causing your problem. I mean, if you're supporting her, and not taking care of your situation, you're driving her car, sounds like you better terminate that.

Defendant: As soon as the youngest daughter goes to kindergarten next year, and she'll be going to work then. Its just, we will be able to afford day care then.

Judge: Beg your pardon?

Defendant: When her younger daughter's in school --

Judge: Are those your children, or hers?

Defendant: No, they are hers, but I treat them like they're my own.

Judge: So, you're supporting some woman, and her kids, and its causing you to end up owing all kinds of money and go to jail. Something's not making sense, sir. Why is the father of her children not supporting those kids, rather than you.

Defendant: He left her in California and just --

Judge: Well, I know, but that's what I'm saying, so you're going to end up in jail because of this woman? And her kids?

Defendant: Well, I do love them, your honor.

Judge: Well, I guess that's what you've decided, that your going to end up in jail. But on the face of it, am I in error in suggesting that your actions appear to be with lack of foresight? And somebody might even say they appear to be stupid?

Defendant: Could be, your honor.

Judge: I mean, I don't understand why you would let these things happen. I mean, what might have been a few hundred dollars is probably now up in the thousands, plus you end up in jail. Why have you been in the Pierce County jail?

Defendant: That was a probation violation.

Judge: For what?

Defendant: Not letting them know I moved.

Judge: Why would you do something dumb like that? Where do you live at the present time, sir?

Defendant: I live at 7109 142nd Avenue East in Sumner.

Judge: And with whom do you live there?

Defendant: Me and the girlfriend and the two girls.

Judge: What's your girlfriend's name.

Defendant: Pamela Thorton.

Judge: Is she employed?

Defendant: No, your honor.

Judge: Why not?

Defendant: Because the youngest daughter is, won't be able to go school until next year. Day care's very expensive --

Judge: Does she receive welfare?

Defendant: Yes, your honor.

Judge: So, what, are you living off of her welfare then?

Defendant: No, your honor. I do have a job at Stock Market.

Judge: You have a, you're employed?

Defendant: Yes, your honor.

Judge: Anything else I should know about you.

Defendant: I think that's it, your honor.

Judge: All right. On the plea of guilty, the court enters a finding of guilty, and I herewith sentence the defendant to 30 days in the city jail and I levy a penalty of \$700. I am going to suspend all of the jail sentence and I'm going to suspend \$400 of the monetary penalty on the condition that you not operate a motor vehicle so long as you're not validly licensed and not validly insured. In addition, because it was necessary to issue a bench warrant, I have to assess the bench warrant fee of \$50 for a total owed by you of \$350, if you live up to that probation. Now, how are you proposing to pay the \$350 penalty?

Defendant: It's going to be, my first check wouldn't be till the following Friday. I'd much appreciate it if I could put all that to the power and the phone, and the following Friday, I get paid every Friday, I could give \$100 every Friday until it's paid up.

Judge: So you're suggesting that you start paying one hundred dollars per week commencing November 1st?

Defendant: As long as that would be 2 Fridays from now, yeah.

Judge: I mean, this Friday's the 23rd, the next -- excuse me, this Friday's the 25th, the next Friday is the 1st.

Defendant: So then the following one, I would start.

Judge: You'd start paying on the 8th of November? And 100 each Friday? All right, I will allow you to do that. Now, if you're not able to do that, you need to come talk to me.

Defendant: You can count on that, your honor.

Judge: All right, if you'll step up here, the court clerk will have sign a statement concerning the payment plan.

Exhibit 17

November 5, 1996

From Tape No. 96-27

Judge A. Eugene Hammermaster presiding.

City of Sumner v. Gary Lester, Case No. 960163801

City: Mr. Coombs is here on another matter, Your Honor, also. It's on the trial docket, Sumner versus Gary Wayne Lester. I discussed the matter with Mr. Coombs and we've entered into an agreement where, via stipulation of facts sufficient to support the charge. Would ask the court defer this for a period of --

Judge: Is Gary Wayne Lester present in court?

Defendant: I'm right here, Your Honor.

Judge: You're Mr. Lester. All right, I'm sorry.

Counsel: Sorry, Your Honor, via stipulation of facts sufficient to support the charge and ask the court defer a (inaudible) for 90 days. During that time his (inaudible) 150 dollars in costs paid, there should be no similar incidents. If that, those terms are complied with the city, at the end of that time, would dismiss the charge.

Judge: I'm concerned about this. This falls within my classic definition, if you will, of domestic violence involving two people who have no legal relationship between each other. And I'm concerned about this kind of an agreement that does not require those people to separate, particularly when I see at the end of this report "I've been to the Lester's apartment on several occasions for different type calls and each time Lester and Wilson have been intoxicated to the extent they are staggering and cannot keep their balance. Lester and Wilson's outbreaks are caused by their drinking problems." I guess I would inquire of both parties as to should I not require as a condition that Mr. Lester have no contact with Miss Wilson. I mean I'm prepared to approve the agreement that would allow this case to be dismissed at the end of 90 days, but my inclination is that it should be on the condition that these people separate as long as there's no legal relationship between them.

Counsel: Your Honor, that's, I assume they are engaged and they're looking to get married here within the next few months.

Judge: Well, when that happens then they can resume their relationship. But I've made the comment before, and I don't know that I've made it to you, but I would say nine out of ten, if not 99 out of 100 domestic violence matters I see involve two people who have no legal relationship between themselves. Unmarried people residing together. Amazing. It's almost never, maybe one out of 100 that the domestic violence involves two married people that come before me.

Counsel: So are you asking the defendant to quit living with the victim?

Judge: Yeah, the best way I know how to keep it from happening again is that they don't live together and I gather this is not the first time that the police have been involved at

their place of residence, and so I'm willing to approve your agreement that allows Mr. Lester to have this case dismissed at the end of the 90 day period, but only on the condition that he not reside with Miss Lester, so long as there's no legal relationship between them. And if not, then I guess this matter is going to need to go to trial.

Counsel: He's willing to agree to that Your Honor.

Judge: Beg your pardon?

Counsel: He's willing to agree to that.

Judge: All right.

Counsel: One other thing---

Judge: I'm going to make that as an additional condition and I will expect them to separate within 72 hours.

Counsel: Additionally, we'd like to extend the court's jurisdiction out to 180 days to allow him to pay off his fines. He's on a fixed income right now, and given six months he would be able to insure that he would have the fine paid off if that's acceptable.

Judge: You mean, I'm not sure I'm willing to agree to take six months to pay 200 dollars.

Counsel: It's 150 Your Honor.

Judge: Beg your pardon?

Counsel: 150 dollars.

Judge: Well, I misunderstood that, 150 dollars. I know I'm not willing to do that. And has Mr. Lester paid the court ordered attorney's fees?

Defendant: You told me to pay half of it, which I did.

Judge: You did, all right.

Defendant: And you gave me some time to pay the other half.

Judge: All right, okay. And how much did I order you were to pay?

Defendant: You said pay 37.50, which I did.

Judge: Pay what?

Defendant: 37.50 which I did and I still owe---

Judge: Okay, so I ordered you to pay 75 dollars all together?

Defendant: Yes, Your Honor.

Judge: All right, so you still owe 37.50 on that. And so that gets added to the 150 of 187.50. What income do you have Mr. Lester?

Defendant: I'm on GAU.

Judge: And what do you receive from that?

Defendant: 339 dollars a month.

Judge: Have you stopped drinking?

Defendant: Yes, Your Honor.

Judge: Because I presume that if you stop drinking that's going to provide a lot more money to you.

Defendant: Right.

Judge: Not spending it on booze.

Defendant: Yes, I'm doing an outpatient program through (inaudible).

Judge: All right. Well, I'm going to provide that you pay one-third of it by, are you prepared to pay any today at all?

Defendant: No, I'm not.

Judge: When do you get your payment?

Defendant: On the first of the month.

Judge: When will you be eligible for employment again?

Defendant: Well, right now I'm waiting to get on SSI.

Judge: And what does that mean? Does that mean you're not going to be working at all?

Defendant: I can't.

Judge: Why not?

Defendant: They won't allow me to work.

Judge: Who's the they?

Defendant: Well, if I, I can't work because if I do they'll throw my SSI possibilities off.

Judge: Well, I know, but I mean why are you seeking SSI rather than going to work? What is it that keeps you from working?

Defendant: I have some physical problems.

Judge: Beg your pardon?

Defendant: I have some physical problems.

Judge: And what are they?

Defendant: I have a bad back injury in my neck, so I'm, right now I get 339 a month and I pay 275 a month in rent.

Judge: All right, I'm going to expect you then to pay 65 dollars by the third of December, 65 by the third of January and the balance by the third of February.

Defendant: Okay.

Judge: All right, I will approve the agreement on those conditions. If you'll step up here the court clerk will have you sign a statement concerning that payment plan.

Exhibit 18

November 26, 1996

From Tape No. 96-50 and 96-27

Judge A. Eugene Hammermaster presiding. City of Sumner v. Jeremie Petroff, Case No. C00010269

Judge: Next is the City of Sumner versus Jeremie Petroff. All right, Mr. Petroff, you've been charged with a violation of an ordinance of the City of Sumner allegedly taking place on or about April 29, 1995, when you were charged with driving while your license is suspended or revoked in the third degree. As to this charge you have two choices. First, you have the right enter a plea of not guilty, in which event a trial date will be set. Second, you have the right to enter a plea of guilty, in which event sentencing would take place at this time. Are you prepared to make some disposition of the matter?

Defendant: Yeah, guilty.

Judge: Plea of guilty will be entered. And it's my understanding you have a second charge also, is that correct?

Defendant: Yes, sir.

Judge: All right. All right, on the second charge Mr. Petroff, you've been charged with a violation of an ordinance of the City of Sumner, allegedly taking place on or about November 22, wherein you're charged with driving while your license is suspended and/or revoked in the third degree. As to this charge you have two choices. First, you have the right to enter a plea of not guilty, in which event a trial date will be set. Second, you have the right to enter a plea of guilty, in which event sentencing would take place at this time. Are you prepared to make some disposition of the matter?

Defendant: Yes sir, guilty.

Judge: All right. A plea of guilty will be entered. Do you want to step up here Mr. Petroff, the court clerk -- are you handing him both of them?

Clerk: One for both.

Judge: One document for both, okay. If you'll take it over by the window then, read it, if it's acceptable to you, sign it and return it to me and we will proceed with disposition in a few minutes.

[Judge hears another matter and recalls Mr. Petroff]

Judge: Jeremie Petroff. All right. Let's take them one at a time. The April 95 matter, why were you driving without a valid license?

Defendant: Just, I don't know, sir, I just stupid things, stupidity.

Judge: Beg your pardon?

Defendant: Plain stupidity, sir.

Judge: Why do you not have a license?

Defendant: Cause I've been trying to work on all my tickets.

Judge: Beg your pardon?

Defendant: I've been trying to pay off all my tickets. I've paid off the one in Orting. I set up a payment plan and paid that off and I'd like to do so here too, sir. I mean, I'm getting them resolved, kind of slowly at a time.

Judge: Why do you keep driving when you don't have a license?

Defendant: Sir, I didn't drive for a long time and my fiancé, she's pregnant, and she was on her way to work and there was slush on the road and that's the first time I drove and I got caught, I'm guilty.

Judge: According to what I see here Mr. Petroff, since the first incident back in 1995 you've not paid off a single ticket. In fact, you've gotten a whole bunch more.

Defendant: I've paid off the one in Orting sir, and--

Judge: That didn't show up in 1995 and it doesn't show up now.

Defendant: Cause it's paid off sir.

Judge: I'm talking about in the last year and a half you've paid nothing.

Defendant: That's cause I was out of work for the longest time cause I had shoulder surgery.

Judge: In fact, what you've gotten is a whole bunch more FTAs. Back in 1995 you only had three.

Defendant: We moved three times.

Judge: What does that have to do with getting FTAs?

Defendant: I didn't receive my mail sir, I didn't contact the court, that's my fault.

Judge: And in 1995 the only outstanding citations you had was a seat belt in Lewis County, a speeding in Pierce County and a defective equipment in Tacoma. Now since then you've added to it, another illegal overpass in Tacoma, this one here in Sumner, another one in Pierce County driving while license suspended, another one in Tacoma and two more in Pierce County. Right now you've got one, two, three, four, five, six, seven, eight FTAs, and you had three 18 months ago.

Defendant: In this last year?

Judge: In the last year you've gotten one, two, three, four, five, six, or a year and a half, starting on May 7 of 95.

Defendant: Yes, sir.

Judge: You've added six.

Defendant: I work part time now, I'm able to work.

Judge: Why did you not come to court, sir?

Defendant: I, I don't know, I didn't receive no paperwork, I didn't contact the court so they didn't get my new address.

Judge: Well, we sent letters to you.

Defendant: At my new address, sir? I moved three times. I don't know what---

Judge: It didn't come back, they went to 20217 135th Avenue East, Graham.

Defendant: I moved from there a year ago, sir.

Judge: Beg your pardon?

Defendant: I moved from there a year ago.

Judge: Well, but isn't your letter mail forwarded?

Defendant: They should be.

Judge: Beg your pardon?

Defendant: It should be, sir.

Judge: Because it certainly didn't come back.

Defendant: It didn't come to me either. I moved from there up to South Hill and now I presently live right down the street from here. I can give you my new address which I'm going to do to get this all taken care of. I have not received---

Judge: Any reason I shouldn't order you to sell your car?

Defendant: I don't have a car, sir.

Judge: Whose car were you driving?

Defendant: It was my fiance's.

Judge: Any reason I shouldn't order her to sell that car?

Defendant: Yes sir, because she's got, she works.

Judge: Because not only it doesn't have insurance, but apparently doesn't have a vehicle license.

Defendant: Vehicle license, yeah, the tabs expired this month. They got to get tabs and transfer it all at the same time when she got paid. And proof of insurance, she's got insurance.

Judge: I mean if you're living together as though you were husband and wife it would appear to me that I should order that vehicle sold if it's not going to be validly licensed and insured.

Defendant: Well it is, she's insured sir.

Judge: Beg your pardon?

Defendant: She is, has insurance. She has insurance, it's just that she, when she gets paid she's got to get it all transferred, you know, get the tabs and transfer the title into her name and stuff.

Judge: All right. On the matter dating back to April of 95 I herewith sentence the defendant to 30 days in the city jail and I levy a penalty of 700 hundred dollars. I'm going to suspend the jail sentence and one-half of the monetary penalty on the condition that you not operate a motor vehicle so long as you're not validly licensed and not validly insured. And you're to have no ownership interest in a motor vehicle so long as you're not validly licensed and validly insured. And this vehicle that's owned by your fiance, I consider that a vehicle in which you have an ownership interest and if that vehicle does not become validly licensed and validly insured by the end of the year, I'm going to order it sold.

Defendant: That's fine, sir.

Judge: Now also it's necessary that I add the bench warrant fee of 50 dollars because of your failure to appear, and so on that charge you're going to owe the sum of 400 dollars if you live up to that probation.

Defendant: So what do I owe?

Judge: On the other charge I'm going to sentence you to 60 days in the city jail and I'm going to levy a penalty of a thousand dollars. I'm going to suspend all of the jail sentence and I'm going to suspend one-half of the monetary penalty on the condition that you not operate a motor vehicle so long as you're not validly licensed and not validly insured and that you have no ownership interest in a motor vehicle. And I have the same conclusion, that because you and your girlfriend are living in a meretricious relationship that you have an interest in that vehicle that is owned by her and you're going to need to get rid of that if it's not licensed and insured by the end

of the year. Now any reason why it won't be?

Defendant: No, sir, she's got insurance, she was just waiting till she got paid to get it transferred and licensed.

Judge: All right. So, now on those two charges you owe the sum of 900 dollars and you owe another 541 on this other one that's not even before me.

Defendant: Okay, sir. So, can I make payment arrangements?

Judge: What are you proposing?

Defendant: Well, the same I did in Orting, as soon as I can.

Judge: Beg your pardon?

Defendant: I mean, I can't really say until, I can set an amount but I mean I might have to bring it in front of you again.

Judge: Well, that's what you need to do, sir.

Defendant: Okay.

Judge: I'm going to provide for you to pay at the rate of 200 dollars per month.

Defendant: I can't do that sir.

Judge: Why not?

Defendant: Because I work part-time, I got to pay half my rent, she covers the other half, I got my child to take care of, I got one on the way, I pay child support.

Judge: Why don't you get a full-time job, or get another part-time job?

Defendant: Because I take care of my kids, sir. I'm like the Mister Mom.

Judge: Well, you're going to need to deal with the matter. I'm going to allow you to pay 100 dollars per month for a period of four months and then I'm going to provide for it to be paid in full, but I will give you the right to come back and talk to me.

Defendant: That'd be great.

Judge: You're also to keep us notified of where you live. Where do you live at the present time?

Defendant: I just moved, I live right down the street from here, 61---

Judge: That's not an address, sir. Where do you live?

Defendant: 6123 Parker Road.

Judge: Okay, then your history would suggest you'll move again in a few weeks and you're to keep the court notified when you move.

Defendant: No sir, that was just three times in one year.

Judge: All right, if you'll step up here the court clerk will have you sign a statement concerning that payment plan.

Exhibit 19

November 5, 1996

From Tape No. 96-27

Judge A. Eugene Hammermaster presiding.

City of Sumner v. John Potter, Case No. C00010615

Judge: Next is the City of Sumner versus John Potter. Mr. Potter, you're before the court because of your failure to appear. First of all, you did not appear for your trial. That trial was held in your absence. And secondly, you did not appear in response to a communication asking you to appear for disposition following that trial and so it's my understanding you've been arrested on a warrant, is that correct?

Defendant: Yes, I turned myself in sir.

Judge: Beg your pardon?

Defendant: I turned myself in.

Judge: All right. What is your intention concerning these two charges, driving while your license is suspended in the second degree and negligent driving resulting in a collision.

Defendant: First degree.

Judge: Beg your pardon?

Defendant: Negligent driving in the first degree?

Judge: No, well, yeah, okay, but it's also driving while your license is suspended in the second degree and negligent driving in the first degree, correct, resulting in a collision.

Defendant: I was going to plead not guilty at the trial, but I guess --

Judge: All right. Are you going to change your plea to guilty now?

Defendant: I wanted to plead not guilty, but I guess I have to if you guys went ahead to the trial with me not being there.

Judge: Well, that's, you need to tell me if you're going to ask me for a new trial date, you need to tell me why I should do that when you failed to show up the first time.

Defendant: The reason I failed to show up is cause I was slacking pretty much.

Judge: You were what?

Defendant: Truthfully, I wasn't able to make it because I missed a bus. My mom she was already gone and working. If I would have walked I'd have just been late.

Judge: Why didn't you contact the court?

Defendant: I did I believe, I did contact the court that day. They just said, well, the only thing you could do is just come down and go to jail.

Judge: Well, I'm talking about after the, after your trial date, sir. Because then I sent you another notice to appear and you didn't respond to that one either.

Defendant: What address were you sending those to?

Judge: Beg your pardon?

Defendant: Were you sending those to my old Buckley address?

Judge: No, 7508 104th Street East, Puyallup.

Defendant: Yeah, that's my new address.

Judge: And that one was sent to you on October 9 to appear on October 15. And you didn't come in on October 15 either and that's when I issued the bench warrant. So what is your intention? Is it your intention to try to talk me into a second trial, or is it your intention to enter a plea of guilty?

Defendant: I was going to try and see if I can get a second trial, but if you don't.

Judge: Well, you can talk away, but I'm certainly not going to let you out of jail until the trial date.

Defendant: I guess I'm going to have to plead guilty then.

Judge: It's up to you. Is that what you want to do?

Defendant: Yes, I'll just plead guilty.

Judge: All right.

Defendant: What is the recommended or the standard days?

Judge: I don't have any idea. I'll hear from you and I'll make my decision on that. All right, you want to step up here and take that statement on your plea of guilty, take it back to the table, read it and sign it. Right at the table there. All right, Mr. Potter, why were you driving when you didn't have a valid license?

Defendant: Cause I had some friends that were intoxicated and were unable to drive.

Judge: What does that have to do with you driving?

Defendant: I didn't want to die. We ended up (inaudible).

Judge: Beg your pardon?

Defendant: I didn't want to get in a serious, serious wreck.

Judge: You didn't want to what?

Defendant: Get in a serious wreck.

Judge: Apparently you got into an accident anyway.

Defendant: They were, that's why I wanted to plead not guilty.

Judge: Beg your pardon?

Defendant: That's why I wanted to plead not guilty, but I'm just not going to go through the (inaudible).

Judge: Why did you get in the accident?

Defendant: Cause I, I guess cause I let the intoxicated driver drive.

Judge: Well, why were you driving if you had too much to drink?

Defendant: I wasn't drinking, I wasn't even driving during the accident.

Judge: Well, how did the accident happen then sir?

Defendant: (inaudible) intoxicated driver was driving and I plead guilty for something (inaudible).

Judge: Beg your pardon?

Defendant: I said I'm just taking the rap for another friend is what I'm doing. Sorry to admit it.

Judge: So you're saying you weren't driving?

Defendant: Yes.

Judge: All right. You're saying you want me to give you a trial on this?

Defendant: No, it's already too late.

Judge: Not as far as I'm concerned. But I'm certainly not going to let you out of jail until we have the trial.

Defendant: I know, that's why I just wanted to take, to take punishment, cause I was driving that day anyways.

Judge: Where do you live sir?

Defendant: 7508 104th Street East, it's in (inaudible) Puyallup.

Judge: Are you employed?

Defendant: No, but I was, I had a job lined up to where when I get out of jail I can start working to pay off you and pay off Sumner.

Judge: Well, this is Sumner.

Defendant: I know, cause I still owe you.

Judge: Beg your pardon?

Defendant: I still owe you.

Judge: Who am I?

Defendant: You're also the judge in Orting I'm pretty sure.

Judge: Anything else you wish to say to me sir?

Defendant: I was just curious on when I'd be able to, when's the release date, or what's the standard range for driving while suspended in the second degree.

Judge: Whatever I think it is in a given case.

Defendant: Oh.

Judge: I don't know what that word standard range means.

Defendant: Standard sentence range.

Judge: Don't have any idea, I've never heard that word before. Usually the only people that deal with those things are those that are heavy criminals dealing with felonies. Is that what you are -- a felon?

Defendant: I've been convicted of a felony before sir.

Judge: Why have you been convicted as a felon?

Defendant: Certain things that I've done in the past.

Judge: What did you do in the past?

Defendant: Something that, I don't know why I should tell you.

Judge: Beg your pardon?

Defendant: Why should I have to tell you what I've done in the past when you already know?

Judge: I don't have any idea what you've done in the past. What have you done in the past?

Defendant: Stupid things.

Judge: Such as?

Defendant: Like a long, long time ago I've stolen a car.

Judge: Is that, was that the felony you were convicted of?

Defendant: No, it was taking a motor vehicle without permission.

Judge: Anything else you wish to say to me?

Defendant: No, not really, except for when will I be going back to court for this?

Judge: Beg your pardon?

Defendant: When will I be getting my sentence on this?

Judge: Right now.

Defendant: All right.

Judge: Why do you think you're here?

Defendant: Cause I broke the law.

Judge: Beg your pardon?

Defendant: Cause I broke the law.

Judge: Okay, well, then why would you not be sentenced at this time?

Defendant: I didn't know, sir.

Judge: Anything else you wish to say to me before sentencing?

Defendant: Yes, when I get out I will have a job to be able to pay my court appointed fine and whatever you guys are going to fine me on this. Cause I've been looking in newspapers and stuff to get a job and will work to pay.

Judge: All right. On the plea of guilty the court enters a finding of guilty and I herewith sentence the defendant on the charge of driving while license suspended or revoked in the second degree to 90 days in the city jail and I levy a penalty of 1000 dollars. I'm going to suspend all of the jail sentence and I'm going to suspend one-half of the monetary penalty on the condition that Mr. Potter not operate a motor vehicle so long as he does not have a valid license nor insurance. In addition, I'm going to provide

that Mr. Potter is not to have any ownership interest in a motor vehicle, nor is he to own a motor vehicle so long as he does not have valid license and insurance. On the charge of negligent driving, I'm going to sentence the defendant to 30 days in the city jail and I'm going to levy a penalty of 500 dollars and I'm going to suspend all of that jail sentence also and one-half of the monetary penalty on the same conditions as I outlined for the suspension on the second degree driving charge. In addition, I see that bench warrants have been issued two different times for bench warrant fees of 50 dollars each time or a total of 100 dollars and that will be added to the penalties for, if my arithmetic is correct then, for total penalties of 850 dollars. Is that correct Diane? Now, how are you proposing to pay that Mr. Potter?

Defendant: If you give me scheduled payments I'll do the best I can.

Judge: What are you proposing?

Defendant: I'm asking the same as everybody else, 50 dollars a week I'll be able to do that. And I could probably make the first payment from the week whenever I get released.

Judge: Are you going to some other court?

Defendant: From here?

Judge: Yeah.

Defendant: I'm not too sure.

Judge: Does he have any other outstanding warrants, do you know?

City: Not that I know.

Judge: All right. All right, then I'll expect you to pay 50 dollars per week commencing one week from this date or one week from your release from jail.

Defendant: All right, sir.

Judge: All right, if you'll step up here the court clerk will have you sign a statement concerning that payment plan.

Exhibit 20

June 11, 1996

From Tape No. 96-07

Judge A. Eugene Hammermaster, presiding. City of Sumner v. Erroll Cayald, Case No. C00010318

Judge: City of Sumner and Erroll Cayald, C-a-y-a-l-d. All right, Mr. Cayald your matter went to trial in your absence. Any reason why I should not enter a finding of guilty and proceed to sentence you?

Defendant: Yes, sir. Last week I was disoriented. What happened was I thought it was at one o'clock and not this, that morning. I came in and talked to the clerk that afternoon.

Judge: And what's your defense to this matter?

Defendant: I didn't receive any kind of a notification or anything that the license was suspended.

Judge: Olympia sent it to you on November 7 at 15615 50th Street Court East, Sumner.

Defendant: I did not receive that notice.

Judge: That isn't going to help you any. I mean if Olympia sent it and if their address was the last address they have, that's going to end the discussion. Why would you not have received it?

Defendant: It didn't appear there, I was staying there with friends at the time.

Judge: Is it possible that they didn't give it to you?

Defendant: It's possible.

Judge: Cause that's the only address Olympia has for you.

Defendant: Right.

Judge: Did you check with Olympia?

Defendant: No, I didn't.

Judge: To see if it came back?

Defendant: No, I didn't.

Judge: Well, then I have no alternative but to presume that Olympia, well, Olympia says they sent it, and whether you received it or not, of course the law doesn't require you to

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EXHIBIT 20

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receive it. The law only requires Olympia to send it to the last known address. Do you have a valid license today?

Defendant: Yes, I do.

Judge: Anything else that I should know about before I proceed to sentence on this matter?

Defendant: No, sir.

Judge: Where do you live at the present time, sir?

Defendant: I'm living at 13218 64th Street Court East, and that's here in Sumner.

Judge: In Sumner, all right. All right, on the plea of, or excuse me, on the court entering, enters a finding of guilty based on the trial and the facts as they have been presented that an actual notice was sent to Cayald at the last known address that the State of Washington had for him, I herewith sentence the defendant to 30 days in the city jail and I levy a penalty of 500 dollars. I'm going to suspend all of the jail sentence and I'm going to suspend one-half of the monetary penalty on the condition that you not operate a motor vehicle when you're not licensed and not insured. And it is my understanding that you have obtained your license back and so you have a valid license at the present time.

Defendant: Yes, sir.

Judge: All right then, assuming then that you live up to that probation you will owe to the court the sum of 250 dollars. Are you prepared to pay that at this time?

Defendant: No sir, I will be able to pay that Friday of this week sir.

Judge: Friday of what?

Defendant: This week.

Judge: All right, so if I gave you one week's time that would you give you sufficient time to pay it?

Defendant: Yes.

Judge: All right, I will do that. If you'll step up here the court clerk will have you sign a statement concerning the payment plan.

Exhibit 21

August 27, 1996

Judge A. Eugene Hammermaster presiding.

From Tape No. 96-25
Comments off the record

Judge: I believe that's everything on your calendar, is it not?

Prosecutor: Yes it is, your honor.

Judge: Ah, Chief, ah, Emmons, ah, you want to come forward please? (Whispers) What are these?

Emmons: Two of them are fail to pay, and one is failure to appear for arraignment.

Judge: Do you have time to go to lunch with me?

Emmons: Sure.

Judge: Okay. And we'll do it afterwards. (stops whispering:) Court's going to take a recess until 2 o'clock. Will return at 2 o'clock to complete the calendar, and take the Orting matters at that time, too.

(Break)

Judge: City of Orting versus John Powell. John Powell present in court? Are you Mr. Powell?

Calendar continues. See Exhibit 10.

EXHIBIT 21

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Exhibit 22

Transcribed excerpt of off the record comments
October 29, 1996

From Tape No. 96-40

Judge: Gee, we got done early today, huh?

Clerk: I know.

Judge: My, not even eleven o'clock. Shocking state of affairs.

Clerk: (Laughs.)

Judge: Yeah.

Clerk: (Inaudible) Nobody made noises that they wanted a court appointed attorney.

Judge: Okay.

Clerk: But if they do, we will call.

Judge: All right. (Long pause) Oh, what were we going to do about the 19th?

Clerk: Oh, you were reading my mind. Were we, is David free on that date?

Judge: Yeah, ah-huh.

Clerk: Did you want David? Okay.

Judge: Yeah, he's available. Just that he's a little hesitant on some trial matters.

Clerk: Did he want the subject of the trial?

Judge: Beg your pardon?

Clerk: Did he want maybe the subject matter of the trials that are set, so he can tell like if that's an assault or what that is, would he... ?

Judge: I don't think there's any problem with him doing it, it's just...

Clerk: Okay. This particular person is currently in Pierce County Jail and the bonding company apparently did not get a previous notice of forfeiture and they're asking for...

Judge: So they want the bond exonerated.

EXHIBIT 22

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Clerk: Right.

Clerk: And we're also (inaudible) 19th.

Admin: Okay.

Clerk: And David is going to.

Admin: David will be here on the 19th?

Judge: He'll be available, if that's all right.

Admin: All right. Now do we need to call your office and make sure that he is ... and that he will be here on the 19th?

Judge: Yeah, why don't you do that just in case, uh huh.

Admin: All right, we'll do that. Okay.

--Off the record conversation continues --

Exhibit 23

Transcribed excerpt of proceedings

City of Sumner v. Dina Doreen Buyak, Case No. C00010657 From Tape No. 94-09

August 27, 1996

Judge: Okay, and is your name Dina Buyak?

Buyak: Buyak.

Judge: Buyak, B-u-y-a-k. And is this here for an arraignment then?

Clerk: No.

Judge: Beg your pardon?

Clerk: No, she didn't, said she did not receive her notice of trial and did not appear for a trial before a judge pro tem. She's filed an affidavit of prejudice and is requesting that the warrant be quashed and a new trial date set.

Judge: Say that again now.

Clerk: She said that she did not receive the amended notice of trial that was set for a pro tem judge and she's requesting that the warrant be quashed and a new trial be set.

Judge: Why, did you not receive the notice, ma'am?

Buyak: Well, I don't know. I called two days before the court date was set because I hadn't received anything in the mail and they told me that I would be notified by mail. That was a Tuesday. The next Monday I got a warrant for my arrest in the mail.

Judge: I see.

Buyak: Why that made its way to my house and the court date didn't, I'm not quite sure.

Judge: Okay. All right. I will allow the rescheduling of the trial date. I will allow, I will quash the warrant. When was your original arraignment? July 23?

Buyak: (Inaudible).

Judge: Beg your pardon?

Buyak: I believe I was in on the 6th of August for that.

Judge: It looks like it was July 23rd and it was originally set for August 6th.

Buyak: Okay. That could be right.

Judge: Well, to be on the safe side, I think what I'm going to have you do Miss Buyak is sign a speedy trial waiver and is there still, is it still your intention to have it tried by someone other than myself?

Buyak: Yes.

Judge: All right, okay. And when do we want to do that, on the 24th?

Clerk: We were contemplating on the 17th.

Judge: On the 17th, okay. Either the 17th or the 24th. Now, 17th, ah --

Clerk: We're checking with the pro tem to see if he's available.

Judge: Okay. And the 24th David's going to take that one, is that correct?

Clerk: Yes.

Judge: Okay, all right. So we can set it for either one of those two dates.

Buyak: Are we going to do that now?

Judge: I'm going to set the date right now for the 24th.

Buyak: Okay, that's when I'm to appear in court again?

Judge: Beg your pardon?

Buyak: That's when I'm to appear for my trial?

Judge: For your trial, yeah. And I'm going to give you a copy of the trial notice right now so you won't have to worry about getting it in the mail.

Buyak: Thank you.

Judge: All right. I'll set the matter for trial on September 24th, I'll quash the warrant. If you'll step up here the court clerk will hand you a copy of the trial notice and also have you sign the speedy trial waiver.

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