

**FILED**  
MAY 14 2010  
COMMISSION ON JUDICIAL CONDUCT

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**BEFORE THE COMMISSION ON JUDICIAL CONDUCT  
OF THE STATE OF WASHINGTON**

In re the Matter of )  
HONORABLE MICHAEL HECHT ) CJC No. 5863-F-142  
Former Judge, Pierce County ) **COMMISSION DECISION**  
Superior Court )

The Commission hearing panel in this case is composed of Wanda Briggs, Antonio Cube, Marianne Connelly, Wayne Ehlers, John Erlick (presiding officer), Robert McSeveney, Lin-Marie Nacht, Kathleen O'Sullivan, and John Sleeter. Respondent has been represented by counsel, Wayne C. Fricke; Disciplinary Counsel is Paul R. Taylor.

On January 23, 2010, the panel considered and accepted the stipulation of the parties that, based on the judgment in State v. Hecht, Pierce County Superior Court Cause No. 09-1-01051-1, "Respondent has violated Canons 1 and 2(A) of the Code of Judicial Conduct." The stipulation was signed by Respondent Michael Hecht, Respondent's counsel, and Disciplinary Counsel. (The stipulation is attached and incorporated by reference as Attachment A.) The stipulation was clear that the "only remaining issue in this matter is the appropriate sanction." The stipulation accepted by the panel further provided that, in determining the appropriate sanction, if any, "the Commission can consider the complaint in State v. Hecht, the jury's verdict, and the judgment and sentence" (attached and incorporated by reference as Attachments B, C, and D). The panel considered those documents, as well as the briefing of the parties, and deliberated in executive

1 session on February 25, 2010.

2 **FINDINGS OF FACT**

3 The panel finds by clear, cogent and convincing evidence that Respondent  
4 Michael Hecht was convicted of one misdemeanor count of Patronizing a Prostitute  
5 and one count of felony Harassment. These criminal acts occurred in 2008 and  
6 2009. The limited stipulated record presented to the panel precluded reaching any  
7 findings regarding other allegations in the Statement of Charges, i.e., that  
8 Respondent engaged in multiple other acts of exchanging money, food, and legal  
9 services in exchange for sexual acts, that Respondent used racial slurs, and that he  
10 stole his campaign opponent's yard signs.

11 **CONCLUSIONS OF LAW**

12 The CJC determines by clear, cogent and convincing evidence that  
13 Respondent has violated Canons 1 and 2(A) of the Code of Judicial Conduct (CJC).  
14 These sections of the Code state:

15 **CANON 1**

16 **Judges shall uphold the integrity and  
independence of the judiciary.**

17  
18 An independent and honorable judiciary is indispensable to justice in our  
19 society. Judges should participate in establishing, maintaining and enforcing high  
20 standards of judicial conduct, and shall personally observe those standards so that  
the integrity and independence of the judiciary will be preserved. The provisions of  
this Code are to be construed and applied to further that objective.

21 **CANON 2**

22 **Judges should avoid impropriety and the appearance of impropriety  
in all their activities.**

23  
24 **(A)** Judges should respect and comply with the law and should act  
25 at all times in a manner that promotes public confidence in the  
integrity and impartiality of the judiciary.

26 The remaining charges in the Statement of Charges, including charges that

1 Respondent violated Canon 7(B)(1) are hereby dismissed.

2 **SANCTION FOR VIOLATIONS**

3 The Commission on Judicial Conduct's Rule of Procedure CJCRP 6(c) and  
4 the Washington Supreme Court case In re Deming, 108 Wn.2d 82, 736 P.2d 639,  
5 (1987), set forth a series of non-exclusive factors the Commission considers in  
6 determining the appropriate sanction for a violation of the Code of Judicial Conduct.  
7 The sanction imposed by the Commission must be commensurate with the level of  
8 Respondent's culpability and must be sufficient to restore and maintain the dignity  
9 and honor of the judicial branch of government. The sanction should also seek to  
10 protect the public by ensuring that Respondent and other judges will refrain from  
11 similar acts of misconduct in the future. Following is the panel's application of the  
12 aggravating and mitigating factors as set forth in CJCRP 6(c):

13  
14 **1. Characteristics of Respondent's Misconduct**

15  
16 **(A) Whether the conduct was an isolated event or act or a pattern of  
conduct.**

17 Respondent's *Pro se* Reply Brief attached, as Exhibit 12, the Declaration for  
18 Determination of Probable Cause filed by the prosecutor in the Pierce County  
19 criminal case (Cause No. 09-1-01051-1). That document sets forth the allegation  
20 that Respondent engaged in multiple acts of patronizing prostitutes on numerous  
21 occasions, with different prostitutes and people he allegedly induced to prostitute  
22 themselves. While the panel carefully considered the arguments by both the  
23 Respondent and Disciplinary Counsel, and the materials agreed to in the stipulation,  
24 the probable cause document (and much of the other material attached to  
25 Respondent's brief) is not listed in the parties' stipulation as among the documents  
26

1 the panel can consider at this stage. In addition, the Respondent evidently attached  
2 these materials in an effort to reargue the verdict of the criminal trial. This panel will  
3 not reconsider the verdict determined by the jury in State v. Hecht in light of the  
4 parties' stipulation. The panel reviewed the parties' briefing and attachments for  
5 purposes of determining the appropriate discipline, if any, as provided in the parties'  
6 stipulation. This included a review of the materials for information regarding any  
7 appropriate mitigating factors.

8 The criminal complaint is among the documents the stipulation permits the  
9 panel to consider. Count II of the complaint charged the patronizing count as "a  
10 crime based on the same conduct or on a series of acts connected together or  
11 constituting parts of a single scheme or plan, and/or so closely connected in respect  
12 to time, place and occasion that it would be difficult to separate proof of one charge  
13 from proof of the others...." The count was filed as taking place "during the period  
14 from April 1, 2008, through January 14, 2009...." That said, a complaint is simply  
15 an allegation, and in light of the jury's verdict – on one count of Patronizing a  
16 Prostitute and one count of felony Harassment – and this limited record, we do not  
17 find that Respondent's conduct involved a "pattern" of repeated misconduct.  
18 Rather, as described below, it involves singular acts of serious and criminal  
19 misconduct.

20  
21 **(B) The nature, extent and frequency of the occurrence of the acts of  
misconduct.**

22 The nature and extent of the violations are significant, criminal, and  
23 extremely egregious. Judges are expected to be model citizens. Intentional  
24 commission of criminal acts falls far below the minimal standards of conduct to be  
25 expected for any citizen, let alone a judicial officer. The jury found, by special  
26

1 verdict, that Respondent "threat[ened] to kill Joseph Hesketh IV" and "Joseph  
2 Hesketh IV reasonably fear[ed] that the threat would be carried out." This crime is  
3 a felony and, for purposes of our analysis, we find the nature of this behavior to be  
4 severe misconduct.

5 **(C) Whether the misconduct occurred in or out of the courtroom.**

6 The misconduct occurred out of the courtroom.

7 **(D) Whether the misconduct occurred in the judge's official capacity  
8 or his private life.**

9 The conduct occurred in the judge's private life. The Code of Judicial  
10 Conduct is applicable to a judge's personal conduct when that conduct impacts the  
11 ability of the judge or others to properly discharge their official duties or where the  
12 judge's personal conduct otherwise adversely reflects on the judge's integrity or  
13 fitness for office. The conduct engaged in by Respondent Hecht undermined his  
14 ability to discharge his duties and compromised respect for and public confidence in  
15 the integrity of the judiciary as a whole.

16 **(E) Whether the judge flagrantly and intentionally violated the oath of  
17 office.**

18 RCW 2.08.080 requires that "Every judge of a superior court shall, before  
19 entering upon the duties of his office, take and subscribe an oath that he will  
20 support the Constitution of the United States and the Constitution of the state of  
21 Washington, and will faithfully and impartially discharge the duties of judge to the  
22 best of his ability." Based on the record before us, it appears that the acts of  
23 misconduct occurred before Respondent took the oath of office. We nevertheless  
24

25

26

28

1 have jurisdiction over the conduct,<sup>1</sup> and note that had these criminal acts occurred  
2 after the oath had been administered, they would have constituted an intentional  
3 and flagrant violation of the oath of office.

4 **(F) The nature and extent to which the acts of misconduct have been**  
5 **injurious to other persons.**

6 From the evidence placed before the panel, we found that Respondent was  
7 convicted by a jury of felony Harassment, which found that he knowingly and  
8 without lawful authority threatened to cause bodily injury immediately or in the future  
9 to the person threatened, by threatening to kill that person, and the words or  
10 conduct did place said person in reasonable fear that the threat would be carried  
11 out. The criminal conduct of threatening to kill another person is deeply injurious to  
12 the victim. To a lesser extent, the exploitative nature of the misdemeanor of  
13 Patronizing a Prostitute is also injurious. As criminal offenses, both acts are deeply  
14 injurious to society as a whole.

16 **(G) The extent to which the judge exploited his position to satisfy**  
17 **personal desires.**

18 Based on the limited record, we see no clear evidence that the misconduct  
19 was done in an effort to satisfy personal desires through the use of Respondent's  
20 judicial position. Exhibit 12 to Respondent's Reply Brief contains the allegation on  
21 page 3 that Respondent informed a prostitute that "he was now going to become a  
22 judge and would make more money," thus potentially suggesting exploitation of his  
23 position. But in light of the parties' stipulation, we have not considered this  
24 document for purposes of finding an aggravating factor. The evidence presented to  
25

26 <sup>1</sup> CJCRP 2(b)(1) provides that "The Commission has jurisdiction over judges regarding allegations of  
misconduct occurring prior to or during service as a judge...."

1 the panel demonstrated that the offending acts occurred prior to the Respondent  
2 taking office.

3 **(H) The effect the misconduct has upon the integrity of and respect**  
4 **for the judiciary.**

5 Respondent's misconduct has had – and may continue to have – a deeply  
6 adverse effect on public confidence in the judiciary. Conviction of such violent and  
7 sordid criminal conduct is profoundly shameful for a judge and is the antithesis of  
8 what Canons 1 and 2(A) require of a judicial officer.

9 **2. Service and Demeanor of the Judge**

10 **(A) Whether the judge has acknowledged or recognized that the acts**  
11 **occurred.**

12 This panel acknowledges that Respondent has the right to defend himself  
13 against criminal charges and against allegations of misconduct from this body, to  
14 appeal the criminal convictions, and to maintain his innocence post-trial. We  
15 acknowledge that he resigned his judicial office after being convicted of the criminal  
16 charges. However, in his response to Disciplinary Counsel's argument to this  
17 panel, Respondent not only steadfastly refused to acknowledge any wrongdoing on  
18 his own part, he blames others for his criminal conviction and involvement in the  
19 disciplinary process. In so doing, he essentially alleges that there was a conspiracy  
20 to remove him from the bench. He claims the charges are fabricated and "politically  
21 motivated," and attacked the integrity of law enforcement and the victims in his  
22 case. Similarly, he inappropriately and unnecessarily attacked the Commission's  
23 investigator and its process. Respondent accuses an unnamed attorney of being  
24  
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1 the actual guilty party of the criminal conduct for which he, Respondent, was  
2 convicted. Respondent's allegations against the Commission are gratuitous in this  
3 context, where he stipulated – with counsel – that "the only remaining issue in this  
4 matter is the appropriate sanction." In light of that stipulation, it is not necessary for  
5 the panel to respond to these unfounded charges. But the panel does note that the  
6 manner in which Respondent has attacked this disciplinary process and the judicial  
7 system weighs against any possibility that Respondent recognizes the seriousness  
8 of the damage done by his acts to the public's confidence in the integrity of the  
9 judiciary.  
10

11 **(B) Whether the judge has evidenced an effort to change or modify**  
12 **his conduct.**

13 Former judge Hecht has not. His position is that his conviction was  
14 illegitimate, and that he is not culpable for any conduct requiring modification or  
15 change.

16 **(C) The length of service on the bench.**

17 Respondent was sworn in as a judge in January of 2009. He was charged  
18 criminally in February of 2009, and was placed on paid administrative leave shortly  
19 thereafter, until he resigned his position following his criminal conviction in  
20 November 2009. In sum, the length of his service on the bench was quite brief.

21 **(D) Whether there have been prior complaints against the judge.**

22 Respondent was a newly-elected judge when these allegations arose, so the  
23 lack of prior complaints is not applicable.

24 **(E) Whether the judge cooperated with the commission investigation**  
25 **and proceeding.**

26 In one significant way, Respondent was cooperative with the Commission –

1 he entered into a stipulation that his criminal convictions constituted violations of the  
2 Code of Judicial Conduct and that no evidentiary hearing was necessary.

3 The remaining mitigating factor, whether the judge complied with an ethics  
4 advisory committee opinion, is not relevant to this case.

5  
6 **CONCLUSION**  
7

8 The salacious and severe nature of Respondent's criminal conduct has  
9 brought great dishonor to the judiciary of this state. A sanction is appropriate and  
10 necessary. By statute, the Commission is "authorized to impose the following  
11 disciplinary actions, in increasing order of severity: (a) Admonishment; (b)  
12 reprimand; or (c) censure." RCW 2.64.055. In this case, censure is clearly  
13 warranted based on the panel's weighing of the aggravating and mitigating factors.  
14 A censure is the most severe disciplinary action that the Commission can issue,  
15 though it may recommend further discipline in cases of severe misconduct. This is  
16 one of those cases.

17  
18 The panel considered Disciplinary Counsel's suggestion that we recommend  
19 removal from office as a further sanction, as well as Respondent's argument that he  
20 may not be removed from an office from which he has already resigned. On this  
21 narrow legal point, we agree with Respondent. See In re Disciplinary Proceeding  
22 against Buchanan, 100 Wn.2d 396, 400 (1983) ("Censure is appropriate in this case  
23 because Judge Buchanan did not file for reelection and is no longer an Island  
24 County District Court or Oak Harbor Municipal Court judge. Thus, he cannot be

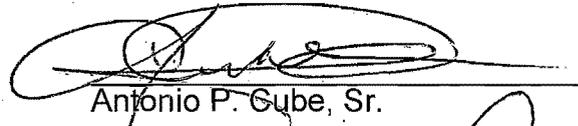
1 suspended or removed from office." The reasoning in Buchanan was followed by  
2 the Supreme Court in In re Deming, 108 Wn.2d 82, 121 (1987), in which the Court  
3 concluded that former Judge Deming's "violations of the Code of Judicial Conduct  
4 necessitate disqualification from office and, were he still serving in a judicial  
5 capacity, removal." Accordingly, in light of the decisions in Buchanan and Deming,  
6 we recommend to the Supreme Court that it disqualify Respondent from future  
7 judicial office in addition to the sanction of censure.<sup>2</sup>  
8

9  
10 DATED this 14<sup>th</sup> day of MAY, 2010.

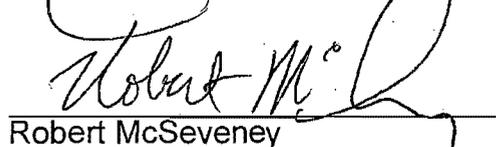
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John A. Erlick (Presiding Officer)

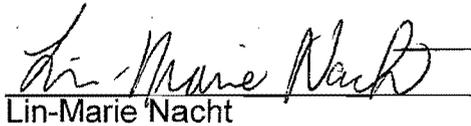
  
Wanda Briggs

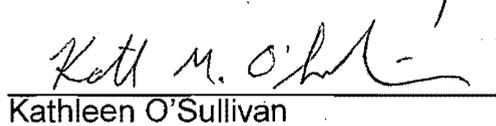
14  
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Marianne Connelly

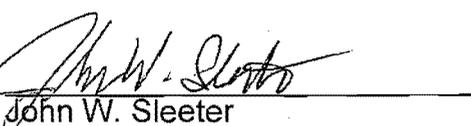
  
Antonio P. Gube, Sr.

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Wayne Ehlers

  
Robert McSeveney

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Lin-Marie Nacht

  
Kathleen O'Sullivan

21  
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23   
John W. Sleeter

24  
25 \_\_\_\_\_  
26 2 Such a sanction is further supported by the Washington Supreme Court's decision in In re Hatter, No.  
27 J.D. 11, filed 12/8/1994, in which the Court affirmed the Commission's recommendation to disqualify from  
28 judicial office an individual who was no longer serving as a judge.

BEFORE THE COMMISSION ON JUDICIAL CONDUCT  
OF THE STATE OF WASHINGTON

In Re the Matter of )  
 )  
The Honorable Michael Hecht, ) No. 5863-F-142  
Judge of the Pierce County Superior Court ) STIPULATION  
 )

The undersigned stipulate as follows:

1. Based on the judgment in State v. Hecht, Pierce County Superior Court Cause No. 09-1-01051-1, Respondent has violated Canons 1 and 2(A) of the Code of Judicial Conduct. The only remaining issue in this matter is the appropriate sanction.
2. An evidentiary hearing is not necessary on the issue of the appropriate sanction. In considering the sanction, the Commission can consider the complaint in State v. Hecht, the jury's verdict, and the judgment and sentence.
3. The parties will submit briefing regarding the appropriate discipline. There will not be oral argument unless requested by the Commission.
4. This stipulation is subject to approval by the Commission. If approved, the Commission will establish an appropriate briefing schedule.

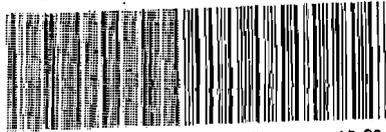
DATED this 12 day of January, 2010.

BYRNES & KELLER LLP

By Paul R. Taylor  
Paul R. Taylor, WSBA #14851  
Attorneys for the Commission on Judicial Conduct

Michael Hecht  
Honorable Michael Hecht

Wayne C. Fricke  
Wayne C. Fricke, WSBA #~~6000~~ 16550  
Attorney for Michael Hecht



09-1-01051-1 33101878 AMINF 10-29-09



STATE OF WASHINGTON  
PIERCE COUNTY SUPERIOR COURT

THE STATE OF WASHINGTON,

Plaintiff,

v.

MICHAEL ANDREW HECHT,

Defendant.

NO. 09-1-01051-1

AMENDED INFORMATION

COUNT I

I, Robert M. McKenna, Attorney General, in the name and by the authority of the State of Washington and pursuant to RCW 43.10.232, do accuse MICHAEL ANDREW HECHT of the crime of FELONY HARASSMENT, committed as follows:

That MICHAEL ANDREW HECHT, in the State of Washington, on or about the 30th day of August, 2008, did unlawfully and feloniously, knowingly and without lawful authority, threaten to cause bodily injury immediately or in the future to Joseph Hesketh IV, by threatening to kill Joseph Hesketh IV, and the words or conduct did place said person in reasonable fear that the threat would be carried out, contrary to RCW 9A.46.020(1), (2), and against the peace and dignity of the State of Washington.

Felony Harassment is a class C felony punishable by a maximum sentence of five (5) years prison and/or a \$5,000 fine.

COUNT II

1  
2 And I, Robert M. McKenna, Attorney General, in the name and by the authority of the  
3 State of Washington and pursuant to RCW 43.10.232, do accuse MICHAEL ANDREW  
4 HECHT of the crime of PATRONIZING A PROSTITUTE, a crime of the same or similar  
5 character, and/or a crime based on the same conduct or on a series of acts connected together  
6 or constituting parts of a single scheme or plan, and/or so closely connected in respect to time,  
7 place and occasion that it would be difficult to separate proof of one charge from proof of the  
8 others, committed as follows:

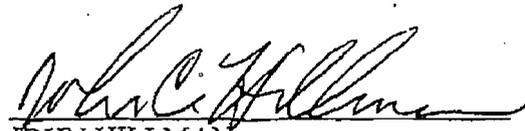
9 That MICHAEL ANDREW HECHT, in the State of Washington, during the period  
10 from April 1, 2008, through January 14, 2009, pursuant to a prior understanding, did pay a fee  
11 to another person, to-wit: Joseph Pfeiffer, as compensation for such person having engaged in  
12 sexual conduct with him; and/or did pay or agree to pay a fee to said person pursuant to an  
13 understanding that in return thereof such person would engage in sexual conduct with him,  
14 contrary to RCW 9A.88.110(1)(a), (b), (c), and against the peace and dignity of the State of  
15 Washington.

16 Patronizing a Prostitute is a misdemeanor punishable by a maximum sentence of  
17 ninety (90) days in jail and/or a \$1,000 fine.

18 DATED this 13th day of October, 2009.

19 ROBERT M. MCKENNA  
20 Attorney General

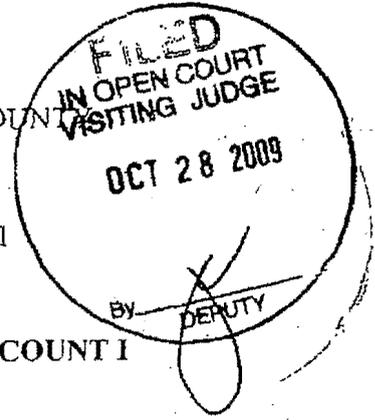
21  
22 By:

  
23 JOHN HILLMAN  
24 Assistant Attorney General  
25 WSBA #25071  
26



09-1-01051-1 33101922 VRD 10-28-09

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY



STATE OF WASHINGTON,  
Plaintiff,

CAUSE NO. 09-1-01051-1

VS:

MICHAEL ANDREW HECHT,  
Defendant.

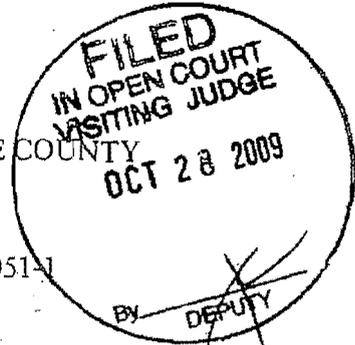
VERDICT FORM FOR COUNT I

We, the jury, find the defendant Guilty (Not Guilty or Guilty) of the  
crime of HARASSMENT as charged in Count I.

Mar Glass  
PRESIDING JUROR



09-1-01051-1 33101928 SVRD 10-29-09



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 09-1-01051-1

vs.

MICHAEL ANDREW HECHT,

SPECIAL VERDICT FORM FOR  
COUNT 1

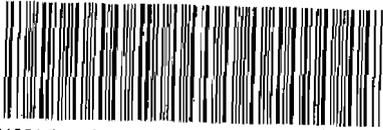
Defendant.

We, the jury, return a special verdict by answering as follows:

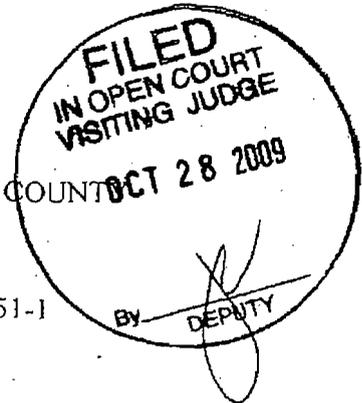
**QUESTION:** Did the defendant's threat to cause bodily harm consist of a threat to kill Joseph Hesketh IV and did Joseph Hesketh IV reasonably fear that the threat to kill would be carried out?

ANSWER: Yes  
(YES or NO)

Ma. G. [Signature]  
PRESIDING JUROR



09-1-01051-1 33101931 VRD 10-29-09



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

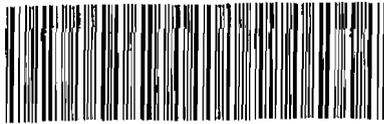
STATE OF WASHINGTON,  
Plaintiff,  
vs.  
MICHAEL ANDREW HECHT,  
Defendant.

CAUSE NO. 09-1-01051-1

VERDICT FORM FOR COUNT II

We, the jury, find the defendant Guilty (Not Guilty or Guilty) of the  
crime of PATRONIZING A PROSTITUTE as charged in Count II.

Max Gilman  
PRESIDING JUROR



09-1-01051-1 33241038 JS 11-23-09



STATE OF WASHINGTON  
PIERCE COUNTY SUPERIOR COURT

THE STATE OF WASHINGTON,

Plaintiff,

v.

MICHAEL ANDREW HECHT,

Defendant.

STD: 25380542  
FBI: 208041FD5  
DOB: 4-23-1950

NO. 09-1-01051-1

JUDGMENT AND SENTENCE (FJS)  
COUNT I

- Prison
- Jail One Year or Less
- First-Time Offender
- Clerk's Action Required, para 4.5 (SDOSA), 4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8

NOV 23 2009

I. HEARING

1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the prosecuting attorney were present.

II. FINDINGS

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

2.1 **CURRENT OFFENSE(S):** The defendant was found guilty on OCTOBER 28, 2009, by  plea  jury-verdict  bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
I	FELONY HARASSMENT	9A.46.020(2)(b)(ii)	N/A	8/30/2009	083300302 Tacoma Police

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Horn, See RCW 46.61.520, (JP) Juvenile present, (SM) Sexual Motivation, (SCF) Sexual Conduct with a Child for a Fee. See RCW 9.94A.533(8). (If the crime is a drug offense, include the type of drug in the second column.)

JUDGMENT AND SENTENCE

1

ATTORNEY GENERAL'S OFFICE  
Criminal Justice Division  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-6430

09-9-14846-6

Attachment D

1 as charged in the Amended Information

2  Current offenses encompassing the same criminal conduct and counting as one crime in determining  
3 the offender score are (RCW 9.94A.589):

4  Other current convictions listed under different cause numbers used in calculating the offender score  
are (list offense and cause number):

5 2.2 CRIMINAL HISTORY (RCW 9.94A.525): NONE KNOWN OR CLAIMED

6 2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
1	0	III	1-3 MONTHS	N/A	1-3 MONTHS	5 years

9  
10 2.4  EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an  
exceptional sentence:

11  within  below the standard range for Count(s) \_\_\_\_\_.

12  above the standard range for Count(s) \_\_\_\_\_.

13  The defendant and state stipulate that justice is best served by imposition of the exceptional  
sentence above the standard range and the court finds the exceptional sentence furthers and is  
consistent with the interests of justice and the purposes of the sentencing reform act.

14  Aggravating factors were  stipulated by the defendant,  found by the court after the  
defendant waived jury trial,  found by jury by special interrogatory.

15 Findings of fact and conclusions of law are attached in Appendix 2.4.  Jury's special interrogatory is  
attached. The Prosecuting Attorney  did  did not recommend a similar sentence.

16 2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total  
amount owing, the defend's past, present and future ability to pay legal financial obligations, including  
the defendant's financial resources and the likelihood that the defendant's status will change. The court  
finds that the defendant has the ability or likely future ability to pay the legal financial obligations  
imposed herein. RCW 9.94A.753.

18  The following extraordinary circumstances exist that make restitution inappropriate (RCW  
9.94A.753):

20  The following extraordinary circumstances exist that make payment of nonmandatory legal financial  
obligations inappropriate:

1 2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or  
2 plea agreements are  attached  as follows: N/A

3 **III. JUDGMENT**

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1.

4 3.2  The court DISMISSES Counts \_\_\_\_\_  The defendant is found NOT GUILTY of Counts

5 **IV. SENTENCE AND ORDER**

6 IT IS ORDERED:

7 4.1 **Confinement.** The court sentences the defendant as follows:

8 (a) **Confinement.** RCW 9.94A.589. A term of total confinement in the custody of the county jail:

9 Actual number of months of total confinement ordered is: \_\_\_\_\_

10 All counts shall be served concurrently, except for the following which shall be served consecutively:  
11 \_\_\_\_\_

12 The sentence herein shall run consecutively with the sentence in cause number(s)  
13 \_\_\_\_\_

13 but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589.

14 Confinement shall commence immediately unless otherwise set forth here: \_\_\_\_\_  
15 \_\_\_\_\_

16  **Partial Confinement.** The defendant may serve the sentence, if eligible and approved, in partial  
17 confinement in the following programs, subject to the following conditions: \_\_\_\_\_  
18 \_\_\_\_\_

- 18  work crew RCW 9.94A.725
- 19  home detention RCW 9.94A.731, .190
- 20  work release RCW 9.94A.731

21  **Conversion of Jail Confinement (Nonviolent and Nonsex Offenses).** RCW 9.94A.680(3). The  
22 county jail is authorized to convert jail confinement to an available county supervised community option,  
23 to reduce the time spent in the community option by earned release credit consistent with local  
24 correctional facility standards, and may require the offender to perform affirmative conduct pursuant to  
25 RCW 9.94A.  
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4.1. **FIRST-TIME OFFENDER WAIVER OF STANDARD SENTENCE.** RCW 9.94A.030, RCW 9.94A. The defendant is a first-time offender. The court waives imposition of a sentence within the standard sentence range and imposes the following sentence:

(a) **CONFINEMENT.** Defendant is sentenced to the following term of total confinement in the custody of the county jail:

30 days on Count I days on Count \_\_\_\_\_  
\_\_\_\_\_ days on Count \_\_\_\_\_ days on Count \_\_\_\_\_

Confinement shall commence immediately unless otherwise set forth here: \_\_\_\_\_

**PARTIAL CONFINEMENT.** Defendant may serve the sentence, if eligible and approved, in partial confinement in the following programs, subject to the following conditions: \_\_\_\_\_

work crew RCW 9.94A.725

home detention RCW 9.94A.731, .190

work release RCW 9.94A.731

**ALTERNATIVE CONVERSION.** RCW 9.94A.680. 30 days of total confinement ordered above are hereby converted to 24.0 hours of community service (8 hours = 1 day, nonviolent offenders only, 30 days maximum) under the supervision of the Department of Corrections (DOC) to be completed: within 10 months of date of this order.

on a schedule established by the defendant's community corrections officer.

as follows: \_\_\_\_\_

**CONVERSION OF JAIL CONFINEMENT (Nonviolent and Nonsex Offenses).** RCW 9.94A.680(3). The county jail is authorized to convert jail confinement to an available county supervised community option and may require the offender to perform affirmative conduct pursuant to RCW 9.94A.

**Alternatives to total confinement** were not used because of: \_\_\_\_\_

criminal history  failure to appear (finding required for nonviolent offenders only) RCW 9.94A.680.

The sentence herein shall run concurrently with felony sentences in other cause numbers that were imposed subsequent to the commission of the crime(s) being sentenced.

(b) **COMMUNITY SERVICE.** RCW 9.94A.505. In addition to the ordered total confinement, defendant shall perform \_\_\_\_\_ hours of community service as approved by defendant's community corrections officer to be completed:

on a schedule established by the defendant's community corrections officer.

as follows: \_\_\_\_\_

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: \_\_\_\_\_

4.2 **COMMUNITY | ] SUPERVISION [ X CUSTODY** RCW 9.94A. Defendant shall serve 12 months in  community supervision  community custody (up to 12 months unless treatment is ordered, in which case the period of community supervision or community custody may include up to the period of treatment but shall not exceed two years). Defendant shall report to the DOC (address of office) not later than 72 hours after release from custody; and the defendant shall comply with the instructions, rules and regulations of DOC for the conduct of the defendant during the period of community supervision or community custody shall obey all laws, perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC, and shall comply with any other

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conditions of community supervision or community custody stated in this Judgment and Sentence or other conditions imposed by the court or DOC during community custody:

- pay all court-ordered legal financial obligations
- notify the community corrections officer in advance of any change in defendant's address or employment
- report as directed to a community corrections officer
- devote time to specific employment or occupation
- undergo available outpatient treatment for a period not to exceed two years, or inpatient treatment not to exceed the standard range for that offense
- remain within prescribed geographical boundaries *SOAP order*
- pursue a prescribed course of secular study

- no contact with known <sup>make</sup> prostitutes*
- no violations of the criminal laws of any jurisdiction*

The conditions of community supervision or community custody shall begin immediately unless otherwise set forth here:

1 4.3 **Legal Financial Obligations.** Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

2 JASS CODE

3 RTN/RJN. \$ \_\_\_\_\_ Restitution to: \_\_\_\_\_  
(Name and Address--address may be withheld and provided confidentially to Clerk's Office).

4 PCV \$ 500.00 Crime Victim assessment

5 DNA \$ 100.00 DNA Database Fee

6 PUB \$ \_\_\_\_\_ Court-Appointed Attorney Fees and Defense Costs

7 FRC \$ 200.00 Criminal Filing Fee

8 FCM \$ 1,000.00 Fine

9 **OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)**

10 \$ \_\_\_\_\_ Other Costs

11 for: \_\_\_\_\_

12 \$ \_\_\_\_\_ Other Costs

13 for: \_\_\_\_\_

14 \$ 1,800.00 TOTAL

15  The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

16  shall be set by the prosecutor.

17  is scheduled for \_\_\_\_\_

18  **RESTITUTION.** Order Attached

19  The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

20  All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than \$ \_\_\_\_\_ per month commencing \_\_\_\_\_ RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

21 The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b)

22  **COSTS OF INCARCERATION.** In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate. RCW 10.01.160.

23 **COLLECTION COSTS** The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

24 **INTEREST** The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

25 **COSTS ON APPEAL** An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW. 10.73.160.

26 4.3b **ELECTRONIC MONITORING REIMBURSEMENT.** The defendant is ordered to reimburse \_\_\_\_\_ (name of electronic monitoring agency) at \_\_\_\_\_

\_\_\_\_\_ for the cost of pretrial electronic monitoring in the amount of \$ \_\_\_\_\_

1 4.4  **DNA TESTING.** The defendant shall have a blood/biological sample drawn for purposes of DNA  
2 identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the  
3 county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from  
4 confinement. RCW 43.43.754.

5  **HIV TESTING.** The Health Department or designee shall test and counsel the defendant for HIV as  
6 soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

7 4.5 **NO CONTACT**

8 The defendant shall not have contact with JOSEPH HESKETH IV (d.o.b. 3/16/84) (name, DOB)  
9 including, but not limited to, personal, verbal, telephonic, written or contact through a third party for  
10 FIVE (5) years (not to exceed the maximum statutory sentence).

11  Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault  
12 Protection Order is filed with this Judgment and Sentence.

13 4.6 **OTHER:**

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27 4.4a **BOND IS HEREBY EXONERATED**

28 **V. NOTICES AND SIGNATURES**

29 5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this  
30 Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus  
31 petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to  
32 arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for  
33 in RCW 10.73.100. RCW 10.73.090.

34 5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall  
35 remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up  
36 to 10 years from the date of sentence or release from confinement, whichever is longer, to assure  
37 payment of all legal financial obligations unless the court extends the criminal judgment an additional 10  
38 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the  
39 offender, for the purpose of the offender's compliance with payment of the legal financial obligations,  
40 until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW  
41 9.94A.760 and RCW 9.94A.505. The clerk of the court is authorized to collect unpaid legal financial  
42 obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her  
43 legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

44 5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate  
45 notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the  
46 clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30  
47 days past due in monthly payments in an amount equal to or greater than the amount payable for one  
48 month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A may be taken without  
49 further notice. RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

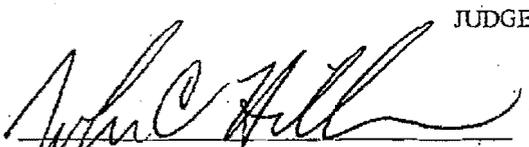
50 5.4 **RESTITUTION HEARING.**

51  Defendant waives any right to be present at any restitution hearing (sign initials): \_\_\_\_\_

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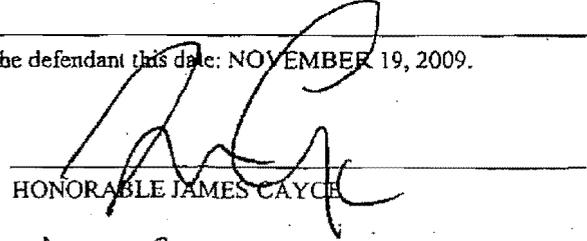
- 5.5 **CRIMINAL ENFORCEMENT AND CIVIL COLLECTION.** Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.
- 5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.
- 5.7 **SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200.  
N/A
- 5.8  The court finds that Count \_\_\_\_\_ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.
- 5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.
- 5.10 **OTHER:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

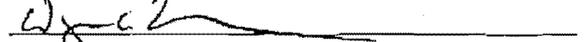
DONE in Open Court and in the presence of the defendant this date: NOVEMBER 19, 2009.

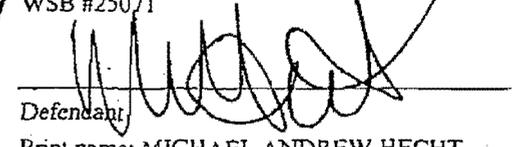
  
\_\_\_\_\_  
Assistant Attorney General

Print name: JOHN HILLMAN  
WSB #25071

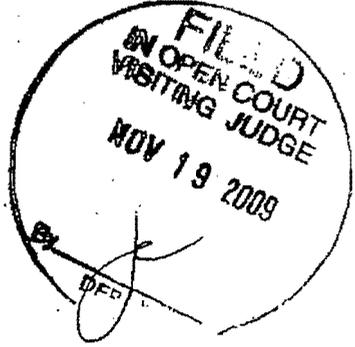
JUDGE

  
\_\_\_\_\_  
HONORABLE JAMES CAYCE

  
\_\_\_\_\_  
Attorney for Defendant  
Print name: WAYNE C. FRICKE  
WSB #16550

  
\_\_\_\_\_  
Defendant

Print name: MICHAEL ANDREW HECHT



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**VOTING RIGHTS STATEMENT:** RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony convictions. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: \_\_\_\_\_

**CERTIFICATE OF CLERK**

CAUSE NUMBER of this case: 09-1-01051-1

I, KEVIN STOCK, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: \_\_\_\_\_

Clerk of said County and State, by: \_\_\_\_\_, Deputy Clerk

**IDENTIFICATION OF COURT REPORTER**

*Imothy Regis*  
\_\_\_\_\_  
Court Reporter

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**IDENTIFICATION OF DEFENDANT**

SID No. WA25380542 Date of Birth 04-23-1950  
(If no SID take fingerprint card for State Patrol)

FBI No. 208041FD5 Local ID No.

PCN No. Other

Alias name, SSN, DOB: 04-23-1950

Race:		Ethnicity:		Sex:					
<input type="checkbox"/>	Asian/Pacific Islander	<input type="checkbox"/>	Black/African-American	<input checked="" type="checkbox"/>	Caucasian	<input type="checkbox"/>	Hispanic	<input checked="" type="checkbox"/>	Male
<input type="checkbox"/>	Native American	<input type="checkbox"/>	Other: :	<input checked="" type="checkbox"/>	Non-Hispanic	<input type="checkbox"/>		<input type="checkbox"/>	Female

**FINGERPRINTS**

Left four fingers taken simultaneously

Left Thumb



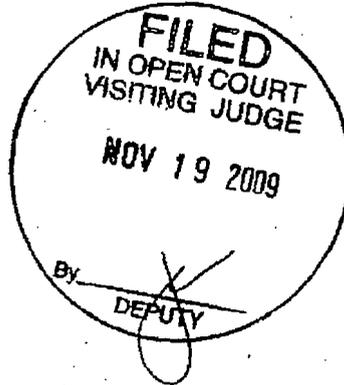
Right Thumb

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STATE OF WASHINGTON  
PIERCE COUNTY SUPERIOR COURT

THE STATE OF WASHINGTON,

Plaintiff,

v.

MICHAEL ANDREW HECHT,

Defendant.

DOB: 04/23/50; RACE: W; SEX: M;  
AGENCY: TACOMA POLICE;  
INCIDENT #: 08-330-0302

NO. 09-1-01051-1

NOV 23 2009

JUDGMENT AND SENTENCE  
FOR COUNT II

(Misdemeanor)

- PLEA OF GUILTY
- FOUND GUILTY BY JURY
- FOUND GUILTY BY COURT

SUSPENDED SENTENCE

This matter coming on regularly for hearing in open court on the 19th day of November, 2009, the defendant MICHAEL ANDREW HECHT and his attorney WAYNE C. FRICKE appearing, and the State of Washington appearing by assistant attorney general John Hillman, following a jury verdict of guilty entered by the court on the 28<sup>th</sup> day of October, 2009.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said Defendant is guilty of the crime of PATRONIZING A PROSTITUTE, Charge Code: (J38C), as charged in the Amended Information herein, and that he shall be punished by confinement in the Pierce County Jail for a term of not more than 90 days.

HIV TESTING. The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

Said jail sentence shall be suspended on the attached conditions of suspended sentence and the the Defendant pay the prescribed crime victim compensation penalty assessment as per RCW 7.68.035 in the amount of \$ ~~3000.00~~

The said Defendant is now hereby committed to the custody of the sheriff of aforesaid county to be detained.

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~~(X)~~ Jail time imposed shall be ~~(X)~~ consecutive to ~~(X)~~ concurrent with Court I.

Any period of supervision shall be tolled during any period of time the offender is in confinement for any reason.

Bail is hereby exonerated.

Signed this 11 day of November, 2009, in the presence of said Defendant.

*[Handwritten Signature]*  
\_\_\_\_\_  
JUDGE James Cayce

CERTIFICATE

Entered Jour. No. \_\_\_\_\_ Page No. \_\_\_\_\_ Department No. \_\_\_\_\_, this \_\_\_\_\_ day of November, 2009.

I, \_\_\_\_\_, County Clerk and Clerk of the Superior Court of the State of Washington, in and for the County of Pierce, do hereby certify that the foregoing is a fully, true and correct copy of the judgment, sentence, and commitment in this cause as the name appears of record in my office.

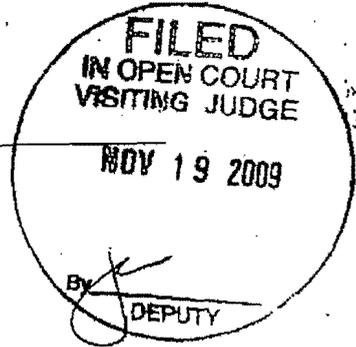
WITNESS my hand and seal of said Superior Court this \_\_\_\_\_ day of November, 2009.

\_\_\_\_\_  
County Clerk and Clerk of Superior Court.

By \_\_\_\_\_  
Deputy Clerk

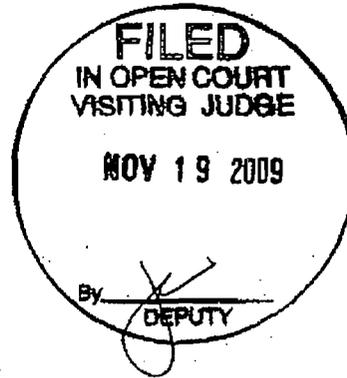
Presented by:

*[Handwritten Signature]*  
\_\_\_\_\_  
JOHN HILLMAN  
Assistant Attorney General  
WSB # 25071



Approved as to Form:

*[Handwritten Signature]*  
\_\_\_\_\_  
WAYNE C. FRICKE  
Attorney for Defendant  
WSB# 16550



STATE OF WASHINGTON  
PIERCE COUNTY SUPERIOR COURT

THE STATE OF WASHINGTON,

NOV 23 2009

Plaintiff,

NO. 09-1-01051-1

v.

CONDITIONS OF SUSPENDED  
SENTENCE (COUNT II)

MICHAEL ANDREW HECHT,

Defendant.

This matter coming on regularly for sentencing before the Honorable James Cayce, Visiting Judge, on the 19th day of November, 2009, and the Court having sentenced the defendant MICHAEL ANDREW HECHT to the term of 90 days jail for the crime of PATRONIZING A PROSTITUTE, and the Court having suspended that term, the Court herewith orders the following conditions and provisions:

1.  Termination date is to be 2 year(s) after date of sentence.
2.  The Defendant shall be under the charge of a probation officer employed by the Department of Corrections and follow implicitly the instructions of said Department, and the rules and regulations promulgated by the Department of Corrections for the conduct of the Defendant during the time of his/her probation herein.
3.  That the Defendant be under the supervision of the Court (~~bench probation~~). JDC  
Defendant will pay the following amounts to the Clerk of the Superior Court, Pierce County, Washington.

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\$ \_\_\_\_\_ Attorney fees as reimbursement for a portion of the expense of his/her court appointed counsel provided by the Pierce County Department of Assigned Counsel. The court finds that the defendant is able to pay said fee without undue financial hardship.

\$ ~~500.00~~ Crime Victim Compensation penalty assessment per RCW 7.68.035;

\$ \_\_\_\_\_ Court Costs;

\$ 500.00 Fine;

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

\$ \_\_\_\_\_ Restitution to be forwarded to: \_\_\_\_\_

\$ 500.00 TOTAL payable at the rate of \$ \_\_\_\_\_ per month commencing \_\_\_\_\_

Revocation of this probation for nonpayment shall occur only if defendant wilfully fails to make the payments having the financial ability to do so or wilfully fails to make a good faith effort to acquire means to make the payment.

A notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender, if a monthly court-ordered legal financial obligation payment is not paid when due and an amount equal to or greater than the amount payable for one month is owed.

THE FINANCIAL OBLIGATIONS IMPOSED IN THIS JUDGMENT SHALL BEAR INTEREST FROM THE DATE OF THE JUDGMENT UNTIL PAYMENT IN FULL, AT THE RATE APPLICABLE TO CIVIL JUDGMENTS. RCW 10.82.090. AN AWARD OF COSTS ON APPEAL AGAINST THE DEFENDANT MAY BE ADDED TO THE TOTAL LEGAL FINANCIAL OBLIGATIONS. RCW 10.73.

Any period of supervision shall be tolled during any period of time the offender is in confinement for any reason.

Further Conditions as follows:

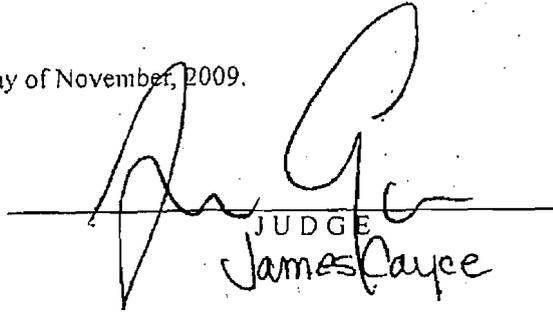
- No violation of the criminal laws of any jurisdiction
- Attend John School through Metropolitan Development Council, Defendant to pay cost.
- Pay all legal financial obligations

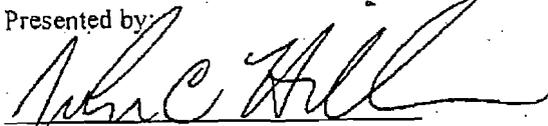
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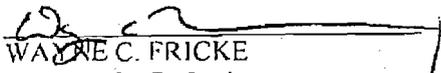
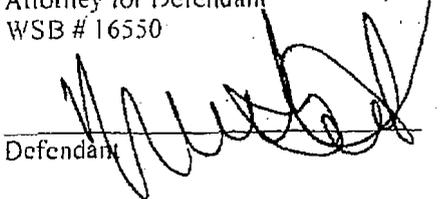
IT IS FURTHER ORDERED that, upon completion of any incarceration imposed the defendant shall be released from the custody of the Sheriff of Pierce County and report to the authorized Probation Officer of this district, to receive his instructions: Bail is hereby exonerated.

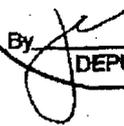
[ ] PURSUANT TO 1993 LAWS OF WASHINGTON, CHAPTER 419, IF THIS OFFENDER IS FOUND TO BE A CRIMINAL ALIEN ELIGIBLE FOR RELEASE AND DEPORTATION BY THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE, SUBJECT TO ARREST AND RE-INCARCERATION IN ACCORDANCE WITH THIS LAW, THEN THE UNDERSIGNED JUDGE AND PROSECUTOR CONSENT TO SUCH RELEASE AND DEPORTATION PRIOR TO THE EXPIRATION OF THE SENTENCE.

DONE IN OPEN COURT this 19 day of November, 2009.

  
JUDGE  
James Cayce

Presented by:  
  
JOHN HILLMAN  
Assistant Attorney General  
WSB # 25071

Approved as to Form:  
  
WAYNE C. FRICKE  
Attorney for Defendant  
WSB # 16550  
  
Defendant

FILED  
IN OPEN COURT  
VISITING JUDGE  
NOV 19 2009  
By   
DEPUTY