

Anthony + Julia  
Meagan

ABHS

For Official Use Only

**STANDARD TORT CLAIM FORM**

General Liability Claim Form #SF 210

Pursuant to Chapter 4.92 RCW, this form is for filing a tort claim against the state of Washington. Some of the information requested on this form is required by RCW 4.92.100 and may be subject to public disclosure.

PLEASE TYPE OR PRINT CLEARLY IN INK

Mail or deliver original claim to Department of Enterprise Services  
Office of Risk Management  
1500 Jefferson Street SE  
MS 41466  
Olympia, Washington 98504-1466  
Fax: 360-407-8022  
Email: WashingtonStateTortClaimE-Filing@des.wa.gov

Moun Beem  
Hon. System L Snsd Dept  
The Roots

Business Hours: Monday – Friday 8:00 a.m. – 5:00 p.m.  
Closed on weekends and official state holidays.

1. Claimant's name: Smith Anthony 07/21/1955  
Last name First Middle Date of birth (mm/dd/yyyy)

2. Inmate DOC number (if applicable): 370827

3. Current residential address: On behalf of Estate of Meagan Smith, 2121 24th St. NW, Auburn, WA 98001

4. Mailing address (if different): The claimant may be contacted through undersigned counsel at Corr Cronin Michelson Baumgardner Fogg & Moore, PLLC

5. Residential address at the time of the incident: \_\_\_\_\_  
(if different from current address)

6. Claimant's daytime telephone number: \_\_\_\_\_ (206) 625-8600  
Home Business or Cell

7. Claimant's e-mail address: sfogg@corrchronin.com

8. Date of the incident: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m. (check one)  
(mm/dd/yyyy)

9. If the incident occurred over a period of time, date of first and last occurrences:  
from 07/06/2015 Time: \_\_\_\_\_  a.m.  p.m.  
(mm/dd/yyyy) (mm/dd/yyyy)

to 07/07/2015 Time: \_\_\_\_\_  a.m.  p.m.  
(mm/dd/yyyy) (mm/dd/yyyy)

10. Location of incident: Washington/King County, Renton, 2024 SE 17th Court  
State and county City, if applicable Place where occurred

11. If the incident occurred on a street or highway:

Name of street or highway	Milepost number	At the intersection with or nearest intersecting street
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12. State agency or department alleged responsible for damage/injury:

Washington State Department of Corrections

13. Names, addresses and telephone numbers of all persons involved in or witness to this incident:

The list of individuals involved in or witness to the incident include:

Meagan Smith, deceased, and Zachary Damien Craven, incarcerated.

14. Names, addresses and telephone numbers of all state employees having knowledge about this incident:

The list of state employees having knowledge include: Washington State Community Corrections Officers Misi-Nimese Liulamaga and Wayne Derouin. Supervising Officer at Washington State Department of Corrections Wendy Schroeder.

15. Names, addresses and telephone numbers of all individuals not already identified in #13 and #14 above that have knowledge regarding the liability issues involved in this incident, or knowledge of the Claimant's resulting damages. Please include a brief description as to the nature and extent of each person's knowledge. Attach additional sheets if necessary.

The list of individuals having knowledge include: Theresa, Margaret, and Rodney Cunningham: Homeowners and adult child who discovered Meagan Smith's body. Renton Police Officers E. Sagiao (10339), Adam (1254), C. Reyes (10383), Hunter, R. Jensen, C. Jacobs (1953), and Sergeant J. Hardin: employees of Renton Police involved in incident investigation and response. Renton Fire Battalion Chief Rick Marshall: employee of Renton Fire involved in incident investigation and response.

16. Describe the cause of the injury or damages. Explain the extent of property loss or medical, physical or mental injuries. Attach additional sheets if necessary.

Zachary Damien Craven was under supervision by the Washington State Department of Corrections ("DOC") when he murdered Meagan Smith. Craven shot Smith, who died as a result of inflicted gun shot wounds. The actions, and lack of actions, taken by the DOC was a cause of the attack resulting in the loss of life. The representative of Meagan Smith's Estate seeks recovery of all damages available under the law for the death of Meagan Smith in whatever amount the jury concludes is reasonable and appropriate, estimated to be at least several million.

17. Has this incident been reported to law enforcement, safety or security personnel? If so, when and to whom? Please attach a copy of the report or contact information.

Yes. The Renton Police Department received a 9-1-1 call on July 7, 2015, and an Officer Jacobs responded to the scene. See also news coverage detailing response of law enforcement and prosecutor's office.

18. Names, addresses and telephone numbers of treating medical providers. Attach copies of all medical reports and billings.

N/A

19. Please attach documents which support the allegations of the claim.

20. I claim damages from the state of Washington in the sum of \$ See #16.

This Claim form must be signed by the Claimant, a person holding a written power of attorney from the Claimant, by the attorney in fact for the Claimant, by an attorney admitted to practice in Washington State on the Claimant's behalf, or by a court-approved guardian or guardian ad litem on behalf of the Claimant.

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

\_\_\_\_\_  
*Signature of Claimant*

\_\_\_\_\_  
*Date and place (residential address, city and county)*

Or

\_\_\_\_\_  
*Signature of Representative*

4/27/18; Corr Cronin LLP; 1001 4th Ave., Ste. 3900; Seattle, WA 98154

\_\_\_\_\_  
*Date and place (residential address, city and county)*

Steven W. Fogg

23528

\_\_\_\_\_  
*Print Name of Representative*

\_\_\_\_\_  
*Bar Number (if applicable)*

CORR  
CRONIN  
MICHELSON  
BAUMGARDNER  
FOGG & MOORE LLP

STEVEN W. FOGG  
*Attorney at Law*

(206) 274-8669  
sfogg@corrcronin.com

1231.01

April 27, 2018

**VIA EMAIL and HAND DELIVERY**

Department of Enterprise Services  
Office of Risk Management  
1500 Jefferson Street SE  
MS 41466  
Olympia, Washington 98504-1466  
*WashingtonStateTortClaimE-Filing@des.wa.gov*  
*Claims@des.wa.gov*

Re: *Smith v. State of Washington Department of Corrections*

To Whom It May Concern:

We represent the Estate of Meagan Smith. Ms. Smith was brutally murdered via a gunshot wound to the head by Zachary Craven—a convicted felon under the supervision of the Washington State Department of Corrections (“DOC”).

As detailed below, this is not an instance where the DOC momentarily faltered in its duty to supervise Craven. Rather, this case evidences DOC’s egregious bureaucratic failure to monitor and supervise Craven in any capacity whatsoever. Although Craven was a known drug addict with mental health issues and a documented history of violence, DOC released Craven to the public and simply told him to report back several days later for in-patient drug rehabilitation treatment. Few people are more dangerous than a drug addict on his last binge before incarceration. Yet, during that interim period, DOC made no efforts to monitor or supervise Craven. In other words, at the time when the *most* protection was needed, DOC instead set a drug addict loose in the community with the mere hope that he would report to in-patient treatment as requested. And when Craven unsurprisingly failed to report to in-patient treatment, DOC literally did nothing to contact or locate him. In fact, DOC seemed unaware of his absence from supervision until reports of Craven’s murderous crime spree surfaced in the media. DOC’s wholesale failure to supervise Craven cost Ms. Smith her life.

**A. Craven's Violent Criminal History**

Craven had a long and documented history of violence, animal abuse, substance abuse, and mental illness. In addition to a sealed juvenile record, Craven was arrested and charged with animal cruelty for stabbing a cat to death in 2011. He was arrested for assault against his mother in 2012.

In 2013, Craven was convicted of Theft in the First Degree, Felony Harassment, and Driving Under the Influence for an incident that involved attacking and stealing from his grandmother and long-time guardian, Angelika Hayden. During that encounter, Craven demanded his grandmother give him \$40. When she refused, Craven threatened to kill her with a knife and proceeded to tie and bind her wrists with extension cords until she relented. Craven was sentenced to 12 months community custody, during which he committed numerous violations for failing to report, consuming alcohol and controlled substances, and making a deadly threat.

In late 2014, Craven attacked his grandmother again. This time, while Ms. Hayden was driving her car on the freeway, Craven told her he was going to "slit her throat" and "kill her dog," and twice jerked the steering wheel of the car. Once safe, Ms. Hayden reported the incident to the police, and Craven was arrested.

**B. Craven is Sentenced and the DOC Fails to Supervise**

Craven was found guilty of felony harassment for the 2014 attack on his grandmother. On June 26, 2015, he was sentenced to a 24-month residential DOSA with 3-6 months of inpatient treatment at American Behavioral Health Systems and 24 months supervision with the DOC. A DV No Contact Order was also entered, prohibiting him from contacting from his grandmother, Ms. Hayden. He was also notified that was ineligible to possess a firearm. According to the DOC's Supervision Activity Record, Craven's DOC intake was completed.

Because there were no beds immediately available at the treatment center, Craven was ordered to report for inpatient treatment on July 1, 2015. Nonetheless, Craven was ordered to report to DOC within 24-hours:

Pending DOC placement in residential chemical dependency treatment, the defendant is ordered to attend a DOC day reporting center and follow all applicable rules. The defendant shall report to DOC to begin the DOC day reporting program within 24 hours of release.<sup>1</sup>

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<sup>1</sup> See Judgment and Sentence, Case No. 14-1-05349-1 SEA, at pg. 5.

As could be predicted, that is where this case begins. The DOC's failure to supervise Craven in any capacity culminated in the unfortunate, and entirely preventable, death of Ms. Smith.

**1. June 27, 2015 – Craven Fails to Report, and the DOC Takes No Action**

Despite explicit orders to report to the DOC within 24-hours, Craven failed to report. This should have come as no surprise, however, considering DOC knew Craven was an untreated drug addict. The DOC nonetheless did not seem to notice. No warrant was issued, and no attempts were made to contact or locate Craven.

**2. July 1, 2015 - Craven Fails to Report to Inpatient Treatment, and the DOC Takes No Action**

Unsurprisingly, Craven failed to report for inpatient treatment as ordered on July 1, 2015. But what is surprising, and frankly unexplainable, is that the DOC took no action of any kind when Craven failed to report, especially because DOC knew Craven was a dangerous drug addict. No report or violation was entered, no one attempted to contact Craven or ascertain his whereabouts, and most importantly, the DOC did not issue a warrant for Craven's arrest. In fact, it appears that the DOC did not even notice Craven's absence.

**3. July 1, 2015 – Craven Attacks his Grandfather**

Instead of reporting to inpatient treatment on July 1, 2015, Craven began a week-long, drug-induced violent rampage. On July 1, 2015, Craven attacked the man he considered his grandfather, Robert Luxton. Craven, "appearing under the influence of heroin or methamphetamine," approached Mr. Luxton in his home and asked Mr. Luxton for his gun—a clear violation of his parole. When Mr. Luxton refused, Craven pulled out his own gun and held it to Mr. Luxton's head, threatening to kill him. Craven pistol whipped Mr. Luxton across the head and fled.

Mr. Luxton reported the violent assault and harassment to the police the next day. But because the DOC had failed to issue a warrant for Craven, no immediate attempts were made to locate and arrest Craven. Thus, Craven continued his rampage unabated.

**4. July 5, 2015 – Craven Violates No Contact Order**

On July 5, 2015, Craven showed up unannounced at his grandmother's house—an explicit violation of the DV No-Contact Order. Ms. Hayden reported the violation to the police the following day, and stated that Craven spoke repeatedly about money and appeared to be "under the influence."

Again, there was no pending warrant for Craven's arrest, and nothing was done to apprehend Craven. This time, the DOC's repeated failures would prove to be fatal.

**5. July 7, 2015 – Craven Murders Ms. Hayden and Ms. Smith**

On July 7, 2015, Ms. Hayden was found murdered in her home. She died from gunshot wounds.

That same day, Craven went to the home of his ex-girlfriend, Theresa Cunningham, to collect money from a piggybank the couple had saved while dating. Craven knew the Cunningham family was on vacation and perhaps he expected to find the house empty. Instead, he encountered Meagan Smith, a friend of Theresa's who had agreed to watch the house while the family was on vacation.

When the Cunningham family returned from vacation on the evening of July 7, 2015, they discovered Ms. Smith's body in a pool of blood, dead from a gunshot wound to the head. On the counter near her body was the piggybank that Craven had demanded. Craven was apprehended and charged with the murders of Ms. Hayden and Ms. Smith.

**C. DOC is Liable for Failing to Supervise Craven**

Ms. Smith paid the ultimate price for the DOC's wholesale failure to supervise Craven. Washington law is well-established that DOC owed Ms. Smith a duty, and it violated that duty by failing to supervise Craven.

**1. DOC Owed Ms. Smith a Duty**

Washington adheres to the Restatement Second of Torts that provides that a duty may arise where "a special relation exists between the actor and the third person which imposes a duty upon the actor to control the third person's conduct. . ." RESTATEMENT (SECOND) OF TORTS § 315. Often named the "take charge" duty, the Washington Supreme Court has held that parole officers assume this duty for its parolees:

The parole officer is the person through whom the State ensures that the parolee obeys the terms of his or her parole. Additionally, parole officers are, or should be, aware of their parolees' criminal histories, and monitor, or should monitor, their parolees' progress during parole. Because of these factors, we hold that parole officers have "taken charge" of the parolees they supervise for purposes of § 319. When a parolee's criminal history and progress during parole show that the parolee is likely to cause bodily harm to others if not controlled, the parole officer is under a duty to exercise reasonable care to control the parolee and to prevent him or her from doing such harm.

*Taggart v. State*, 118 Wn.2d 195, 220 (1992). The same duty applies to community corrections officers. *Joyce v. State, Dep't of Corr.*, 155 Wn.2d 306, 316 (2005) (“We see no reason to categorically distinguish community corrections officers from others who actively supervise offenders.”).

The DOC has conceded that it has a duty to exercise reasonable care and supervise its parolees in order to protect the public. See, e.g., *Smith v. Washington State Dep't of Corr.*, 189 Wn. App. 839, 848 (2015), *rev. den.*, 185 Wn.2d 1004 (2016) (“DOC concedes that it initially had a duty to supervise Goolsby . . .”).

## 2. DOC Breached its Duty by Failing to Supervise Craven

There is no doubt a jury will conclude that the DOC was grossly negligent and breached its duty to Ms. Smith. While under DOC supervision, the DOC “has the ability to take steps to ensure, as a condition of release, that the offender complies with the conditions of release. In each, the government has the duty of reasonable care in executing its duties.” *Joyce*, 155 Wn.2d at 316.

The DOC can be relieved of its duty under *one* circumstance: when an offender has absconded, and a warrant is issued for his/her arrest. The Washington Court of Appeals, Division I, held:

An offender who has absconded and for whom a warrant has been issued, no longer has a continuing relationship with the community corrections officer. When this occurs the offender is not subject to the community corrections officer's control because he or she cannot be monitored, given direction or sanctioned.

*Husted v. State*, 187 Wn. App. 579, 588, *rev. den.*, 184 Wn.2d 1011 (2015).

In *Hustad*, the offender was released from jail and ordered to report to DOC the next day. *Id.* at 581. When the offender failed to report, “[a] DOC officer **immediately** requested a Secretary's Warrant for his arrest and attempted to ascertain his whereabouts.” *Id.* (emphasis added). The court held that once the warrant was issued “the requisite continuing relationship no longer exists and the duties associated with the take charge relationship are terminated unless and until the person is apprehended.” *Id.* at 590.

The Washington Court of Appeals, Division 2 agreed, but further clarified that even if a warrant is issued, the DOC can reassume its duty under certain circumstances. *Smith*, 189 Wn. App. at n.7. “For example, *DOC cannot ignore information about an absconding offender's whereabouts to avoid reestablishing a continuing relationship with the offender.*” *Id.* (emphasis added).



Most recently, Division 1 held that the DOC could also be liable for failing to investigate a parolee's compliance with a no-contact order. *See Harper v. State*, 2017 WL 6003500, 406 P.3d 674 (2017). In *Harper*, the Court of Appeals reversed summary judgment for the DOC, holding there was a genuine issue of material fact as to whether DOC exercised less than slight care in its supervision. There, the offender was released from jail subject to a no-contact order and placed under the supervision of a DOC community corrections officer. Fifteen days later, the offender stabbed the victim to death. The court noted the offender had a "lengthy criminal record" including crimes of domestic violence, and the DOC had access to "records [that] detailed that Miller had a long history of violating no-contact orders prohibiting him from contacting Patricelli and of lying to community corrections officers when asked if he was contacting or residing with Patricelli." *Id.* at \*6.

The court held "[t]his is significant because it would have given Freeland [DOC community corrections officer] a basis on which to inquire into whether Miller had violated the no-contact order" and by failing to do so, the DOC breached its duty and exercised less than slight care. *Id.* at \*7. Thus, there was a genuine issue of material fact whether DOC was grossly negligent for failing to investigate the no-contact order by ignoring violations of the conditions of offender's release and making no efforts to verify his residence.

Here, the circumstances of the DOC's failure to supervise far surpass those contemplated in Washington precedent. Unlike the facts in *Husted* where the DOC *immediately* issued a warrant when the offender absconded, the DOC *never* issued a warrant for Craven. In fact, the DOC apparently did not even notice that Craven failed to report to the DOC within 24-hours of his release, and *again* did not notice when Craven failed to report for inpatient treatment on July 1, 2015. The DOC had two clear-cut opportunities to issue a warrant and make efforts to locate Craven, but instead did absolutely nothing.

This was likely because the DOC did not assign a DOC community corrections officer to Craven until *after* Craven murdered two innocent victims:

There is no information to provide the Court in regards to Mr. Craven's adjustment to supervision *as he was never supervised under this case*. After sentencing, his Judgment and Sentence arrived to the Federal Way Office on 07/08/15, and was officially assigned to this writer for supervision. On the same date, I found out that Mr. Craven was arrested and booked in King County Jail for a new law violation. Thus, I have not met Mr. Craven since his sentencing under this commitment due to his incarceration.<sup>2</sup>

In other words, Craven—a violent convicted felon with known substance abuse problems—had no supervision whatsoever.

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<sup>2</sup> See DOC's 10/29/2015 Court – Notice of Violation, at pg. 3 (emphasis added).

To make matters worse, two separate police reports were made documenting Craven's harassment and violent threats on his family members after he failed to report on June 27, 2015, including possession of a firearm in violation of his parole and a violation of the DV No Contact Order. But because the DOC never issued a warrant, no attempts were made to locate and apprehend Craven. Instead, Craven was free to run amok in the public.

Under *Harper*, the DOC's liability is equally clear. Like in *Harper*, Craven had a well-documented history of drug abuse and violence, which was predominately directed towards his grandmother. In this case, Craven violated the terms of the DV No Contact Order by showing up at his grandmother's house on July 5, 2015. Not only was Craven not immediately apprehended after July 5, 2015, because no warrant was outstanding for his arrest, but the DOC also made no attempts to investigate or contact Ms. Hayden to determine whether Craven was violating the DV No Contact Order. Had the DOC done so, Ms. Hayden may still be alive, and certainly Ms. Smith would be.

The case boils down to the DOC's admission that Craven "was never supervised under this case."<sup>3</sup> Despite an extensive rap sheet for substance abuse and violence, the DOC did nothing to supervise Craven, and it cost Ms. Smith her life.

#### **D. Damages**

At the time of her death, Ms. Smith was a 21-year old college student at Western Washington University. She was planning to graduate that fall with a liberal arts degree and embark on her future. Ms. Smith was avid athlete, and volunteered her time as a track and basketball coach at a local middle school in Bellingham while attending college. The young girls on her basketball team looked up to her as a role model and mentor. Ms. Smith volunteered not because she had to, but out of the kindness and generosity in her heart.

Ms. Smith was also an active volunteer in her community and church, continually giving to those in need. She went on several mission trips with Mission Trek, participated in the annual Catholic Youth Convention, worked for Sacred Heart, and helped organize Catholic relief services, including migrant food banks. She worked for many years as a counselor at Tall Timbers Day Camp with the Camp Fire organization. Ms. Smith's memorial service was filled with friends and community members that admired her generous spirit and dedication to helping others.

To say that Ms. Smith is missed is an understatement. She was a bright and generous young woman with so much life left to live. She was an innocent victim who was robbed of her future, and in her wake, has left a family that is still grieving over her loss. If one thing is certain, the void left by Ms. Smith's death will never be filled.

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<sup>3</sup> *Id.*

Office of Risk Management  
April 27, 2018  
Page 8

As the DOC is surely aware, Washington juries have awarded wrongful death verdicts upwards of \$15,000,000 against the DOC for failing to supervise. This case will be no different. While certainly no amount of money can adequately compensate Ms. Smith's family for their loss, the DOC must be held accountable for its egregious and unexplainable failure to perform its supervision duties. This is not a case where the jury will contemplate whether DOC's exercised less than slight care—the DOC simply did not exercise any care at all. The question will not be if, but how much, the DOC is liable to Ms. Smith's family.

As can be imagined, Ms. Smith's family has been put through a torturous ordeal, and despite every confidences of a favorable outcome, does not desire to engage in protracted litigation. Assuming the DOC is in a similar position and does not wish to litigate this case in the public domain, Ms. Smith's family is open to early resolution and hopes the parties can reach a mutual resolution for everyone's sake.

Sincerely,

CORR CRONIN MICHELSON  
BAUMGARDNER FOGG & MOORE LLP

  
Steven W. Fogg

Enclosure

Accepted 7/8/15

**FILED**  
KING COUNTY, WASHINGTON

370 827

JUN 26 2015  
SUPERIOR COURT CLERK  
BY Jamie Siev  
DEPUTY

**SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

STATE OF WASHINGTON,	)	
	)	
	)	Plaintiff,
	)	No. 14-1-05349-1 SEA
vs.	)	
	)	JUDGMENT AND SENTENCE
	)	FELONY (FJS)
ZACHARY DAMIEN CRAVEN,	)	
	)	
	)	Defendant.
	)	

**I. HEARING**

1.1 The defendant, the defendant's lawyer, Timothy R. Johnson, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: \_\_\_\_\_

**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 04/01/2015 by Plea of:

Count No.: 1 Crime: Felony Harassment - Domestic Violence  
RCW: 9A.46.020(1), (2)(b) Crime Code: 00498  
Date of Crime: 09/08/2014

Additional current offenses are attached in Appendix A

Rev. 7/25/2013

*JCS*

**SPECIAL VERDICT or FINDING(S):**

- (a)  While armed with a firearm in count(s) \_\_\_\_\_ RCW 9.94A.533(3).
- (b)  While armed with a deadly weapon other than a firearm in count(s) \_\_\_\_\_ RCW 9.94A.533(4).
- (c)  With a sexual motivation in count(s) \_\_\_\_\_ RCW 9.94A.835.
- (d)  A V.U.C.S.A. offense committed in a protected zone in count(s) \_\_\_\_\_ RCW 69.50.435.
- (e)  Vehicular homicide  Violent traffic offense  DUI  Reckless  Disregard.
- (f)  Vehicular homicide by DUI with \_\_\_\_\_ prior conviction(s) for offense(s) defined in RCW 46.61.5055, RCW 9.94A.533(7).
- (g)  Non-parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A.44.128, .130.
- (h)  Domestic violence as defined in RCW 10.99.020 was pled and proved for count(s) I.
- (i)  Current offenses encompassing the same criminal conduct in this cause are count(s) \_\_\_\_\_ RCW 9.94A.589(1)(a).
- (j)  Aggravating circumstances as to count(s) \_\_\_\_\_;

2.2 **OTHER CURRENT CONVICTION(S):** Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): \_\_\_\_\_

2.3 **CRIMINAL HISTORY:** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.525):

- Criminal history is attached in Appendix B.
- One point added for offense(s) committed while under community placement for count(s) I

2.4 **SENTENCING DATA:**

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
I	5	III	17-22 months		17-22 months	5 YRS and/or \$10,000

Additional current offense sentencing data is attached in Appendix C.

2.5 **EXCEPTIONAL SENTENCE**

Findings of Fact and Conclusions of Law as to sentence above the standard range:

Finding of Fact: The jury found or the defendant stipulated to aggravating circumstances as to Count(s)

Conclusion of Law: These aggravating circumstances constitute substantial and compelling reasons that justify a sentence above the standard range for Count(s) \_\_\_\_\_.  The court would impose the same sentence on the basis of any one of the aggravating circumstances.

An exceptional sentence above the standard range is imposed pursuant to RCW 9.94A.535(2) (including free crimes or the stipulation of the defendant). Findings of Fact and Conclusions of Law are attached in Appendix D.

An exceptional sentence below the standard range is imposed. Findings of Fact and Conclusions of Law are attached in Appendix D.

The State  did  did not recommend a similar sentence (RCW 9.94A.480(4)).

**III. JUDGMENT**

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A.

The Court DISMISSES Count(s) \_\_\_\_\_

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

[ ] This offense is a felony firearm offense (defined in RCW 9.41.010). Having considered relevant factors, including criminal history, propensity for violence endangering persons, and any prior NGI findings, the Court requires that the defendant register as a firearm offender, in compliance with 2013 Laws, Chapter 183, section 4. The details of the registration requirements are included in the attached Appendix L.

4.1 RESTITUTION, VICTIM ASSESSMENT, AND DNA FEE:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
- Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(5), sets forth those circumstances in attached Appendix E.
- Restitution to be determined at future restitution hearing on (Date) \_\_\_\_\_ at \_\_\_\_\_ m.
- Date to be set.
- Defendant waives right to be present at future restitution hearing(s).
- Restitution is not ordered.

Defendant shall pay Victim Penalty Assessment in the amount of \$500 (RCW 7.68.035 - mandatory).  
Defendant shall pay DNA collection fee in the amount of \$100 (RCW 43.43.7541 - mandatory).

4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a)  \$ \_\_\_\_\_, Court costs (RCW 9.94A.030, RCW 10.01.160);  Court costs are waived;
- (b)  \$ \_\_\_\_\_, Recoupment for attorney's fees to King County Public Defense Programs (RCW 9.94A.030);  Recoupment is waived;
- (c)  \$ \_\_\_\_\_, Fine;  \$1,000, Fine for VUCSA  \$2,000, Fine for subsequent VUCSA (RCW 69.50.430);  VUCSA fine waived;
- (d)  \$ \_\_\_\_\_, King County Interlocal Drug Fund (RCW 9.94A.030);  Drug Fund payment is waived;
- (e)  \$ \_\_\_\_\_, \$100 State Crime Laboratory Fee (RCW 43.43.690); [ ] Laboratory fee waived;
- (f)  \$ \_\_\_\_\_, Incarceration costs (RCW 9.94A.760(2));  Incarceration costs waived;
- (g)  \$ \_\_\_\_\_, Other costs for: \_\_\_\_\_

4.3 PAYMENT SCHEDULE: The TOTAL FINANCIAL OBLIGATION set in this order is \$ 600 + restitution TBD

Restitution may be added in the future. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms:  Not less than \$ \_\_\_\_\_ per month;

On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations: for crimes committed before 7/1/2000, for up to ten years from the date of sentence or release from total confinement, whichever is later; for crimes committed on or after 7/1/2000, until the obligation is completely satisfied. Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.

Court Clerk's trust fees are waived.  Interest is waived except with respect to restitution.

4.4 (a) **PRISON-BASED SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE**

(DOSA)(for sentences imposed after 10-1-05) : The Court finds the defendant eligible pursuant to RCW 9.94A.660 and, having reviewed an examination report and concluded that a DOSA sentence is appropriate, waives imposition of sentence within the standard range and sentences the defendant as follows:

The defendant is sentenced to the following term(s) of confinement in the custody of the Dept. of Corrections (DOC) to commence  immediately;  by \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.:  
\_\_\_\_\_ months (if crime after 6/6/06, 12 month minimum) on Count No. \_\_\_\_\_;  
\_\_\_\_\_ months (if crime after 6/6/06, 12 month minimum) on Count No. \_\_\_\_\_;  
\_\_\_\_\_ months (if crime after 6/6/06, 12 month minimum) on Count No. \_\_\_\_\_;

The above term(s) of confinement represents one-half of the midpoint of the standard range or, if the crime occurred after 6-6-06, twelve months if that is greater than one-half of the midpoint.

The terms imposed herein shall be served concurrently.  
The term(s) imposed herein shall run  CONSECUTIVE  CONCURRENT to cause No(s) \_\_\_\_\_

The term(s) imposed herein shall run  CONSECUTIVE  CONCURRENT to any previously imposed commitment not referred to in this judgment.

- Credit is given for time served in King County Jail or BPD solely for confinement under this cause number pursuant to RCW 9.94A.505(6);  \_\_\_\_\_ day(s) or  days determined by the King County Jail.
- Credit is given for days determined by the King County Jail to have been served in the King County Supervised Community Option (Enhanced CCAP) solely under this cause number.
- The court authorizes earned early release credit consistent with the local correctional facility standards for days spent in the King County Supervised Community Option (Enhanced CCAP).
- Jail term is satisfied; defendant shall be released under this case.

While incarcerated in the Department of Corrections the defendant shall undergo a comprehensive substance abuse assessment and receive, within available resources, appropriate treatment services.

**COMMUNITY CUSTODY:** The court further imposes \_\_\_\_\_ months, one-half of the midpoint of the standard range, as a term of community custody during which time the defendant shall comply with the instructions, rules and regulations promulgated by the Department for conduct of the defendant during community custody; shall perform affirmative acts necessary to monitor compliance, shall obey all laws and comply with the following mandatory statutory requirements:

- (1) The defendant shall undergo and successfully complete a substance abuse program approved by the Division of Alcohol and Substance Abuse of the Dept. of Social and Health Services;
- (2) The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to monitor compliance.

**NON-COMPLIANCE.** RCW 9.94A.660(5): If the defendant fails to complete the Department's special drug offender sentencing alternative program or is administratively terminated from the program, he/she shall be reclassified by the Department to serve the balance of the unexpired term of sentence. If the defendant fails to comply with the conditions of supervision as defined by the Department, he/she shall be sanctioned. Sanctions may include reclassification by the Department to serve the balance of the unexpired term of sentence.

The court further imposes an additional term of Community Custody of 12 months upon failure to complete or administrative termination from DOSA program if any of these offenses is a crime against a person (RCW 9.94A.411) or a felony violation of RCW 69.50/52. The defendant in this event shall comply with the conditions of Community Custody set forth in section 4.7 herein.

4.4 (b) **RESIDENTIAL TREATMENT-BASED SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE (DOSA)**(for sentences imposed after 10-1-05) (available if the midpoint of the standard range is 24 months or less): The Court finds the defendant eligible pursuant to RCW 9.94A.660 and, having reviewed an examination report and concluded that a DOSA sentence is appropriate, waives imposition of sentence within the standard range and sentences the defendant on Count(s) 1 as follows:

The defendant shall serve 24 months in community custody under the supervision of the DOC, on the condition that the defendant enters and remains in residential chemical dependency treatment certified under RCW Ch. 70.96 for 3-6 (between 3 and 6) months. The DOC shall make chemical dependency assessment and treatment services available during the term of community custody, within available resources.

Pending DOC placement in residential chemical dependency treatment, the defendant is ordered to attend a DOC day reporting center and follow all applicable rules. The defendant shall report to DOC to begin the DOC day reporting program within 24 hours of release.

The defendant shall comply with the treatment and other conditions proposed in the examination report, as mandated by RCW 9.94A.665(2)(a). Frequency and length of treatment and monitoring plan are specified in the EXAMINATION REPORT ATTACHED AS APPENDIX 1.

A progress hearing is set in this court, during the residential treatment, for 9/25/15 (90 days from sentencing date). Additional progress hearings may be set.

A treatment termination hearing is set in this court three months before the expiration of the community custody term, for 3/21/17 (date).

Before the progress hearing and the treatment termination hearing, the treatment provider and the DOC shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, including recommendations regarding termination from treatment.

**NON-COMPLIANCE.** RCW 9.94A.665(4): At the progress hearing or treatment termination hearing, the court may modify the conditions of community custody, authorize termination of community custody status on expiration of the community custody term, or impose a term of total confinement equal to one-half the midpoint of the standard range, along with a term of community custody.

4.5 **ADDITIONAL COMMUNITY CUSTODY CONDITIONS OF DOSA SENTENCE:** The court further imposes the following non-mandatory conditions of Community Custody (if checked):

- The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to monitor compliance.
- The defendant shall not use any alcohol or controlled substances without prescription and shall undergo testing to monitor compliance.
- Devote time to a specific employment or training.
- Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment.
- Report as directed to a community corrections officer.
- Pay all court ordered legal financial obligations.
- Perform \_\_\_\_\_ community restitution hours on a schedule set by DOC.
- Stay out of designated areas as follows: \_\_\_\_\_

Other conditions as set forth in APPENDIX H

4.6 **ADDITIONAL CONFINEMENT:** The court may order the defendant to serve a term of total confinement within the standard range at any time during the period of community custody if the defendant violates the conditions of sentence or if the defendant is failing to make satisfactory progress in treatment.



4.7 CONDITIONS OF COMMUNITY CUSTODY IMPOSED AFTER TERMINATION OF DOSA:

- The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to monitor compliance.
- The defendant shall not use any alcohol or controlled substances without prescription and shall undergo testing to monitor compliance.
- Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment.
- Report as directed to a community corrections officer.
- Pay all court ordered legal financial obligations.
- Stay out of designated areas as follows: \_\_\_\_\_

Other conditions: Mental Health Eval and follow up  
treatment recommendations including taking prescribed  
medications

4.8 DNA TESTING. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing, as ordered in APPENDIX G.

HIV TESTING: For sex offense, prostitution offense, drug offense associated with the use of hypodermic needles, the defendant shall submit to HIV testing as ordered in APPENDIX G.

4.9  OFF-LIMITS ORDER: The defendant, having been found to be a known drug trafficker, shall neither enter nor remain in the protected against drug trafficking area(s) as described in APPENDIX I during the term of community supervision. APPENDIX I is attached and incorporated by reference into this Judgment and Sentence.

5.0  NO CONTACT: for the maximum term of 5 years, defendant shall have no contact with [REDACTED] (11/10/92) except by letter

Date: 6-24-15

JUDGE [Signature]  
Print Name: Monica J. Banta

Presented by:

Approved as to form:

[Signature] 4043  
Deputy Prosecuting Attorney, WSBA#  
Print Name: Wesley C. Scumner

[Signature]  
Attorney for Defendant, WSBA #  
Print Name: Johnston

FINGER PRINTS



RIGHT HAND  
FINGERPRINTS OF:  
ZACHARY DAMIEN CRAVEN

DEPENDANT'S SIGNATURE: [Signature]  
DEPENDANT'S ADDRESS: 7531 S 256th St  
Mont WA 98032

Dated: 6-26-15

ATTESTED BY: BARBARA MINER,  
SUPERIOR COURT CLERK

[Signature]  
JUDGE

By: [Signature]  
DEPUTY CLERK

CERTIFICATE

OFFENDER IDENTIFICATION

I, \_\_\_\_\_  
CLERK OF THIS COURT, CERTIFY THAT THE  
ABOVE IS A TRUE COPY OF THE JUDGMENT AND  
SENTENCE IN THIS ACTION ON RECORD IN MY  
OFFICE.  
DATED: \_\_\_\_\_

S.I.D. NO. WA26052789

DOB: 06/24/1991

SEX: Male

RACE: Black/African American

\_\_\_\_\_  
CLERK  
By: \_\_\_\_\_  
DEPUTY CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

ZACHARY DAMIEN CRAVEN,

Defendant.

No. 14-I-05349-I SEA

APPENDIX G  
ORDER FOR BIOLOGICAL TESTING  
AND COUNSELING

(1) DNA IDENTIFICATION (RCW 43.43.754):

The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.

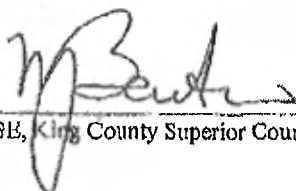
(2)  HIV TESTING AND COUNSELING (RCW 70.24.340):

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 205-7837 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date: 6-26-15

  
\_\_\_\_\_  
JUDGE, King County Superior Court

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 14-1-05349-1 SEA

vs.

JUDGMENT AND SENTENCE (FELONY)

ZACHARY DAMIEN CRAVEN,

APPENDIX H

COMMUNITY CUSTODY

Defendant.

The Defendant shall comply with the following conditions of community custody, effective as of the date of sentencing unless otherwise ordered by the court.

- 1) Report to and be available for contact with the assigned community corrections officer as directed;
- 2) Work at Department of Corrections-approved education, employment, and/or community restitution;
- 3) Not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- 4) Pay supervision fees as determined by the Department of Corrections;
- 5) Receive prior approval for living arrangements and residence location; and
- 6) Not own, use, or possess a firearm or ammunition. (RCW 9.94A.706)
- 7) Notify community corrections officer of any change in address or employment;
- 8) Upon request of the Department of Corrections, notify the Department of court-ordered treatment;
- 9) Remain within geographic boundaries, as set forth in writing by the Department of Corrections Officer or as set forth with SODA order.

The defendant shall not consume any alcohol. 23 (RCW 10.10.020)  
 Defendant shall have no contact with [REDACTED]  
*except by letter*

Defendant shall remain  within  outside of a specified geographical boundary, to wit:

The court finds that the defendant has a chemical dependency (Alcohol / Other substance) that has contributed to his or her offense. Treatment is reasonably related to the circumstances of this crime and reasonably necessary or beneficial to the defendant and the community. (RCW 9.94A.607) Therefore, the defendant shall participate in the following treatment:  
*Substance Abuse level and follow all treatment recommendations*

The defendant shall comply with the following crime-related prohibitions:  
*Mental Health level and follow all treatment recommendations, ~~except~~ including taking prescribed meds.*

Other conditions may be imposed by the court or Department during community custody.

Community Custody shall begin upon completion of the term(s) of confinement imposed herein, or at the time of sentencing if no term of confinement is ordered. The defendant shall remain under the supervision of the Department of Corrections and follow explicitly the instructions and conditions established by that agency. The Department may require the defendant to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants and/or detain defendants who violate a condition.

Date: 6-26-15

*[Signature]*  
JUDGE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

ANDREW BARTHOLOMEW FAST,

Defendant.

No. 15-1-00795-1 SEA

APPENDIX G  
ORDER FOR BIOLOGICAL TESTING  
AND COUNSELING

(1) DNA IDENTIFICATION (RCW 43.43.754):

The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.

(2)  HIV TESTING AND COUNSELING (RCW 70.24.340):

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 205-7837 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date:

6-26-15

JUDGE, King County Superior Court

FINGER PRINTS



RIGHT HAND  
FINGERPRINTS OF:  
ZACHARY DAMIEN CRAVEN

DEFENDANT'S SIGNATURE: ga  
DEFENDANT'S ADDRESS: 7531 S 256th St  
Kent WA 98032

Dated: 6-26-15  
[Signature]  
JUDGE

ATTESTED BY: BARBARA MINER,  
SUPERIOR COURT CLERK  
By: [Signature]  
DEPUTY CLERK

CERTIFICATE

OFFENDER IDENTIFICATION

I, \_\_\_\_\_  
CLERK OF THIS COURT, CERTIFY THAT THE  
ABOVE IS A TRUE COPY OF THE JUDGMENT AND  
SENTENCE IN THIS ACTION ON RECORD IN MY  
OFFICE.  
DATED: \_\_\_\_\_

S.I.D. NO. WA26052789

DOB: 06/24/1991

SEX: Male

RACE: Black/African American

\_\_\_\_\_  
CLERK  
By: \_\_\_\_\_  
DEPUTY CLERK



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

**COURT - NOTICE OF VIOLATION**

REPORT TO: THE HONORABLE Monica Benton  
King COUNTY SUPERIOR COURT  
OFFENDER NAME: CRAVEN, Zachary D.

DATE: 10/29/2015  
DOC NUMBER: 370827

CRIME: Harassment (Previous Conviction).

DOB: 6/24/1991  
COUNTY CAUSE #: King 14-1-05349-  
1(AB) (SEA)

SENTENCE: 24 months Community Custody  
DOSA

DATE OF SENTENCE: 6/26/2015

LAST KNOWN ADDRESS: 4531 S. 256TH St.  
Kent, WA 98032

TERMINATION DATE: 6/25/2017

MAILING ADDRESS: [REDACTED]  
[REDACTED] 23 WA [REDACTED]

STATUS: Field  
CLASSIFICATION: HV

PREVIOUS ACTION:

TOLLING - SRA & PAROLE

Tolling Type	Start Date	End Date	Days
None			

SUPERVISION VIOLATION PROCESSES:

None

**VIOLATION(S) SPECIFIED:**

Violation 1: Failing to report to or make himself available for supervision as required between 06/26/15 and 7/7/15, in King County WA.

Violation 2: Failing to make himself available for drug/alcohol testing as directed between 06/26/15 and 7/7/15, in King County WA.

Violation 3: Failing to enter into and participate in substance abuse treatment at ABHS as required since on or about 7/1/15.

**SUPPORTING EVIDENCE:**

On 06/26/2015, Zachary Damien Cravens was sentenced in King County Superior Court and was given a 24 month Residential DOSA with 3-6 months inpatient treatment at American Behavioral Health Systems (ABHS) and 24 months supervision with the Department of Corrections (DOC). At that time he was ordered to report to and make himself available for supervision, not possess or consume controlled substances except purulent to lawfully issued prescription, not consume alcohol, enter into residential treatment at Chehalis ABHS as directed.

**Violations 1 and 2 will be combined for brevity and clarity**

Mr. Craven was sentenced under the above KC Cause on 06/26/15 and at that time was order to report to DOC within 24 hours pending placement in residential chemical dependency treatment. Further, he was ordered to follow all applicable rules. Mr. Craven failed to report to DOC as directed, therefore he also failed to make himself available for drug and alcohol testing as well as sign DOC's standard Conditions.

**Violation 3**

On 07/08/15, Mr. Craven's case was assigned to this writer. At that time, Mr. Craven was in custody as he was booked into King County Jail on new law violations. I contacted ABHS to determine his scheduled bed date and was informed by ABHS Admissions that Mr. Craven was scheduled to arrive via ABHS transport van on 07/01/15. However he did not show up to the van pick-up site thereby failing to enter into and participate in residential treatment as ordered by the Court.

On 10/20/15, I received information from CCS Freeman through ABHS Admissions and Transportation Coordinator Sheila Norris, who confirmed that Mr. Craven was given an initial bed date of 5/20/15 to correspond with his original sentencing date; however because his sentencing was continued, arrangements were made for Mr. Craven to enter inpatient treatment on Wednesday 7/01/15. Mr. Craven was directed to be at the Kent Regional Justice Center (RJC) and catch the 9:30 a.m. transport van to the ABHS facility on 7/1/15, but he failed to show up.



**ADJUSTMENT:**

There is no information to provide to the Court in regards to Mr. Craven's adjustment to supervision as he was never supervised under this case. After sentencing, his Judgment and Sentence arrived to the Federal Way Office on 07/08/15, and was officially assigned to this writer for supervision. On the same date, I found out that Mr. Craven was arrested and booked in King County Jail for a new law violations. Thus, I have not met with Mr. Craven since his sentencing under this commitment due to his incarceration.

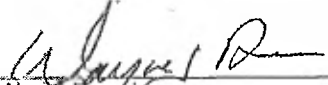
**RECOMMENDATION:**

I respectfully defer to the Court for appropriate sanctioning / revocation at this time.

*I certify or declare under penalty of perjury of the laws of the state of Washington that the following statements are true and correct to the best of my knowledge and belief based on the information available to me as of the date this report is submitted.*

Submitted By:

Approved By

  
Wayne Derouin  
DATE 10/30/15

  
Nimese Llamaga  
DATE 10/30/15  
Community Corrections Supervisor

COMMUNITY CORRECTIONS OFFICER  
Federal Way Office  
606 West Gowe Street, Ms:Tb-71  
Kent WA 98032  
Telephone (253) 372-6466

WJD/WJD/ 10/29/2015

*The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.*

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