

THE STATE BAR OF CALIFORNIA
 OFFICE OF CHIEF TRIAL COUNSEL
 KEVIN TAYLOR, No. 151715
 180 Howard Street
 San Francisco, California 94105-1639
 Telephone: (415) 538-2000

October 25, 2019

STATE BAR COURT
 CLERK'S OFFICE
 LOS ANGELES

Public Matter

IN THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA

IN THE MATTER OF THE
 CONVICTION OF:

ERIK J GRAEFF,
AKA ERIK JOHN GRAEFF
No. 265862

Attorney

-) Case No. SBC-19-C-30590
)
) Transmittal of Records of Conviction of Attorney (Bus. & Prof.
) Code §§ 6101-6102; Cal. Rules of Court, rule 9.5 et seq.)
)
) (OCTC Case No. 19-C-22803)
)
) [X] Felony;
) [X] Hearing required to determine whether summary disbarment
) per Bus. & Prof. Code § 6102(c)-(2) is warranted;
) [X] Hearing required to determine whether crime(s) involves
) moral turpitude or other misconduct warranting
) discipline;
) [X] Evidence of sentence to incarceration of 90 days or more re
) involuntary enrollment per Bus. & Prof. Code §
) 6007(c)(5);
) [X] Evidence that conviction is final.
)

To the CLERK OF THE STATE BAR COURT:

1. Transmittal of records.

- [X] A. Pursuant to the provisions of Business and Professions Code, section 6101-6102 and California Rules of Court, rule 9.5 et seq., the Office of Chief Trial Counsel transmits a certified copy of the record of convictions of the following attorney of the State Bar and for such consideration and action as the Court deems appropriate:
- [] B. Notice of Appeal
- [X] C. Evidence of Finality of Conviction (Notice of Lack of Appeal)
- [X] D. Other

Name of Licensee: Erik J Graeff

Date licensee admitted to practice law or registered in California: December 1, 2009

Licensee's Address of Record: P.O. Box 5532
Portland, OR 97228-5532

2. Date and court of conviction; offense(s).

The record of conviction reflects that the above-named attorney of the State Bar was convicted as follows:

Date of entry of conviction: July 5, 2019

Convicting court: Superior Court for the State of Washington, Clark County

Case number(s): 18-1-00691-1

Crime(s) of which convicted and classification(s): Violation of Revised Code of Washington, section 69.50.401(1),(2)(b) / 69.50.407, attempted manufacture of a controlled substance – amphetamine or methamphetamine, one count, a felony that may or may not involve moral turpitude or other misconduct warranting discipline.

Re felony classification: The State of Washington classifies respondent's violation as a felony. (See RCW § 69.50.401(1),(2)(b) – class B felony.) Respondent pled guilty to, and was convicted of, a felony. (See attached Judgment and Sentence.) An analogous California statute, Health and Safety Code, section 11379.6(e) [relating to manufacturing amphetamine or methamphetamine], provides for punishment by imprisonment pursuant to subdivision (h) of Penal Code, section 1170, for three, four or five years. California Penal Code, section 664, regarding attempt to commit a crime, states, in pertinent part, that the sentence for attempt is one-half the sentence for the target crime. Therefore, respondent's conviction would be a felony in California pursuant to Penal code, section 17(a).

Re moral turpitude classification for transmittal purpose only: Crimes relating to controlled substances, such as possession and manufacturing, that (1) do not clearly include an intent to distribute as an element of the crime, (2) do not involve heroin or other drugs that the Supreme Court has determined to be hard drugs for purposes of licensing proceedings, and (3) do not involve other factors, such as very large quantities or proximity to a school as an element of the crime or sentencing, have often been found to not involve moral turpitude as a matter of law for purposes of State Bar disciplinary purposes. (*In re Scott* (1991) 52 Cal.3d 968 [possession of cocaine], unpublished June 14, 2019 order in *In the Matter of Hoffman*, State Bar Court case number 12-C-16181 [manufacture of marijuana].) Therefore, the State Bar transmits this case as one that may or may not involve moral turpitude. Nonetheless, the State Bar may argue that the crime here involved moral turpitude as a matter of law or in the surrounding facts and circumstances once this matter is referred to the Hearing Department.

☐ 3. Compliance with Rule 9.20. (Applicable only if checked.)

We bring to the Court's attention that, should the Court enter an order of interim suspension herein, the Court may wish to require the above-named attorney to comply with the provisions of rule 9.20, California Rules of Court, paragraph (a), within 30 days of the effective date of any such order; and to file the affidavit with the Clerk of the State Bar Court provided for in paragraph (c) of rule 9.20 within 40 days of the effective date of said order, showing the attorney's compliance with the provisions of rule 9.20.

☒ 4. Other information to assist the State Bar Court

Involuntary Enrollment per Bus. & Prof. Code 6007(c)(5): On July 5, 2019, respondent was sentenced to serve 180 days in jail. (Judgment and Sentence, p. 4.)

Redacted documents: The publically filed court records attached here have been redacted as follows. The one page Amended Information has been redacted to remove respondent's personal information, including


birth date and address. The Criminal Minutes and Judgment and Sentencing have been redacted to remove respondent's birthdate and fingerprints. The certified copies of those documents are being filed and served concurrently herewith pursuant to rule 5.40(D) of the Rules of Procure of the State Bar of California.

DOCUMENTS TRANSMITTED:

Certified Copy of the Amended Information
Certified Copy of the Journal of Criminal Minute Entries
Certified Copy of the Felony Judgement and Sentence
Notice of Lack of Appeal

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: October 25, 2019

BY: 

Kevin B. Taylor
Senior Trial Counsel

The Office of Chief Trial Counsel received the full set of Certified Record of Conviction on this matter on October 18, 2019.

A copy of this transmittal and its
Attachments have been sent to:

Erik J Graeff
P.O. Box 5532
Portland, OR 97228-5532

Erik J. Graeff #22744971
Mill Creek Correctional Facility
2605 State Street
Salem, OR 97310-0505

STATE OF WASHINGTON } ss.
COUNTY OF CLARK

I, Scott G. Weber, County Clerk and Clerk of the Superior Court of Clark County, Washington, DO HEREBY CERTIFY that this document, consisting of 1 page(s), is a true and correct copy of the original now on file and of record in my office and, as County Clerk, I am the legal custodian thereof.

Signed and sealed at Vancouver, Washington this date:

September 17, 2019

Scott G. Weber, County Clerk

By [Signature] Deputy



#10

FILED

JUL 05 2019

Scott G. Weber, Clerk, Clark Co.

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

STATE OF WASHINGTON,

Plaintiff,

v.

ERIK JOHN GRAEFF

Defendant.

AMENDED INFORMATION

No. 18-1-00691-1

(VPD 18-3102)

COMES NOW the Prosecuting Attorney for Clark County, Washington, and does by this inform the Court that the above-named defendant is guilty of the crime(s) committed as follows, to wit:

COUNT 01 - ATTEMPTED MANUFACTURE OF A CONTROLLED SUBSTANCE - 3, 4-METHYLENEDIOXYMETHAMPHETAMINE (MDMA) - 69.50.401(1),(2)(b) /69.50.407

That he, ERIK JOHN GRAEFF, in the County of Clark, State of Washington, on or about February 28, 2018, with intent to commit the crime of Manufacture of a Controlled Substance - 3, 4-Methylenedioxymethamphetamine (MDMA), the elements of which are: to knowingly manufacture a controlled substance, to-wit: 3, 4-Methylenedioxymethamphetamine (MDMA), did an act which was a substantial step toward the commission of that crime; contrary to Revised Code of Washington 69.50.401(1), (2)(b) and 69.50.407.

ANTHONY F. GOLIK
Prosecuting Attorney in and for
Clark County, Washington

Date: July 1, 2019

BY:

[Signature]
Daniel A. Gasperino, WSBA #35626
Deputy Prosecuting Attorney

DEFENDANT: ERIK JOHN GRAEFF

RACI

DOL:

HGT:

WA I

LAS

HOM

RO

VPD FUND 1015

AMENDED INFORMATION - 1
RLK

CLARK COUNTY PROSECUTING ATTORNEY
1013 FRANKLIN STREET
PO BOX 5000
VANCOUVER, WASHINGTON 98666-5000
(360) 397-2261
KIT

75

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR CLARK COUNTY

JUDGE: DAVID E GREGERSON
 PROS ATTY: Harvey - P
 DEFENSE ATTY: JAMES J SOWDER - P
 REPORTER: VIDEO
 CLERK: Hill
 INTERPRETER: _____
 ASSIGNED DEPT: JENNIFER K SNIDER
 TYPE OF HEARING: CHANGE OF PLEA #7

CASE NO. 18-1-00691-1
 STATE OF WASHINGTON
 VS: ERIK JOHN GRAEFF
 DOB: _____
 DATE: 07/05/2019 @ 9:52
 P.O.: _____

Def Appeared Yes No In Custody Yes No Warrant Authorized _____ Warrant Outstanding _____
 Def Answers to True Name as Charged _____ Date of Birth: _____ Advised of Civil and Constitutional Rights _____
 Charges _____ Attorney _____ Appointed/Retained/Waived _____
 Personal Recog/Suprvsd Release Granted/Denied Book Rels _____ Release is _____ Def is remanded to jail _____
 Order for Psych Eval at WSH _____ Order Signed _____ PC Found _____
 Bail Set at \$ _____ With Conditions Set _____ To be Set in Court _____ Posted By: _____
 Diversion Refr/Confirmation _____ Stay Granted _____ PV: Admit _____ Deny _____ Set Hrg _____
 Next Court Appearance _____ Time _____ For Arraign _____ Omni _____
 PV is tracking with _____ Trial in Dept # _____ Other _____

NOT GUILTY PLEA/MOTION TO CONTINUE

Information Served on Defendant _____
 Not Guilty Plea Entered _____
 Readiness Hearing Date _____ RS 1:30 PM
 Waiver of Speedy Trial Signed _____
 Motion for Continuance of Trial Granted _____ Denied _____
 Trial Date _____ []

GUILTY PLEAOriginal Amended

Statement on Plea of Guilty X Signed _____
 Pre-Sentence Report Ordered _____
 Dismissal of Counts # _____
 Sentencing Date _____

SENTENCING

Court Finds the Defendant:
X Guilty as Charged Based on Plea of Guilty
 _____ Convicted by the Jury _____ Court _____

In Violation Based on Admissions

Defendant is Sentenced to Jail/DOC for 180 Days/Months/Years to be Served as Follows:

CTS _____ Jail _____ Work Crew _____ Work Release _____ Com Service _____
 Misdemeanor Sentence _____ days with _____ suspended/deferred on conditions for _____ months/years.
 Community Custody/Placement 12 mon SSOSA/DOSA HIV/DNA DNA DNA Fee \$ 100
 Court Costs \$ 200 Fine \$ _____ Drug Fund \$ _____ Attny Fees \$ _____ Exdrtd \$ _____
 Restitution \$ TBS Victim Assess \$ 500 Lab Fee \$ 100 DV Penalty \$ _____
 Judgment Sentence Sgnd X Defendant Fingerprinted Yes/No Other Costs \$ 1000.00 VUCSA
 Deft is Advised of His/Her Rights to Appeal X NCO Granted/Signed _____
 Court Sets Appeal Bond at \$ _____ Attorney _____ Appointed for Appeal _____

TO run Concurrent with WA County case #
18 CR 16251

JOURNAL OF CRIMINAL MINUTE ENTRIES

James Sowder

STATE OF WASHINGTON } ss.
COUNTY OF CLARK

I, Scott G. Weber, County Clerk and Clerk of the Superior Court of Clark County, Washington, DO HEREBY CERTIFY that this document, consisting of 11 page(s), is a true and correct copy of the original now on file and of record in my office and, as County Clerk, I am the legal custodian thereof.

Signed and sealed at Vancouver, Washington this date:

September 17, 2019

Scott G. Weber, County Clerk

By V. G. Weber Deputy



FILED

JUL 05 2019

Scott G. Weber, Clerk, Clark Co.

**Superior Court of Washington
County of Clark**

State of Washington, Plaintiff,

vs.

**ERIK JOHN GRAEFF,
Defendant.**

SID: _____

If no SID, use DOB: _____

No. 18-1-00691-1

Felony Judgment and Sentence --

Jail One Year or Less

(FJS)

☒ Clerk's Action Required, 2.1, 4.1, 4.3, 5.2, 5.3, 5.5, 5.7

☐ Defendant Used Motor Vehicle

☐ Juvenile Decline ☐ Mandatory ☐ Discretionary

I. Hearing

1.1 The court conducted a sentencing hearing this date; the defendant, the defendant's lawyer, and the (deputy) prosecuting attorney were present.

II. Findings

2.1 **Current Offenses:** The defendant is guilty of the following offenses, based upon

☒ guilty plea 7/5/2019 ☐ jury-verdict ☐ bench trial :

Count	Crime	RCW (w/subsection)	Class	Date of Crime
01	ATTEMPTED MANUFACTURE OF A CONTROLLED SUBSTANCE 3, 4- METHYLENEDIOXYMETHAMPHETAMINE (MDMA)	69.50.401(1),(2)(b) /69.50.407	FB	2/28/2018

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C),

(If the crime is a drug offense, include the type of drug in the second column.)

☐ Additional current offenses are attached in Appendix 2.1a.

The jury returned a special verdict or the court made a special finding with regard to the following:

☐ For crime(s) charged in Count(s) _____ domestic violence as defined in RCW 10.99.020(5) was pled and proved.

☐ For crime(s) charged in Count(s) _____ the defendant and the victim are "family or household members" as defined in RCW 10.99.020(3).

☐ For crime(s) charged in Count(s) _____ the defendant and the victim are "family or household members" as defined in RCW 9A.36.041(4).

☐ The defendant used a **firearm** in the commission of the offense in Count _____. RCW 9.94A.825, 9.94A.533.

Felony Judgment and Sentence (FJS) (Jail One Year or Less)

(RCW 9.94A.500, .505)(WPF CR 84.0400/RAR (04/2019))

Page 1 of 12

- ☐ The defendant used a **deadly weapon other than a firearm** in committing the offense in Count _____. RCW 9.94A.825, 9.94A.533.
- ☐ In count _____ the defendant committed a robbery of a pharmacy as defined in RCW 18.64.011(21), RCW 9.94A._____.
- ☐ Count _____ is a **criminal street gang**-related felony offense in which the defendant compensated, threatened, or solicited a **minor** in order to involve that minor in the commission of the offense. RCW 9.94A.833.
- ☐ Count _____ is the crime of **unlawful possession of a firearm** and the defendant was a **criminal street gang** member or associate when the defendant committed the crime. RCW 9.94A.702, 9.94A._____.
- ☐ The defendant has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.
- ☐ Reasonable grounds exist to believe the defendant is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. RCW 9.94B.080
- GY** ☐ In Count _____, the defendant had (number of) _____ **passenger(s) under the age of 16** in the vehicle. RCW 9.94A.533.
- ☐ Count _____ is a felony in the commission of which the defendant used a **motor vehicle**. RCW 46.20.285.
- ☐ Counts _____ encompass the same criminal conduct and count as one crime in determining the offender score (RCW 9.94A.589).
- ☐ **Other current convictions listed under different cause numbers used in calculating the offender score are** (list offense and cause number):

	<i>Crime</i>	<i>Cause Number</i>	<i>Court (County & State)</i>	<i>DV* Yes</i>
1.				
2.				

* DV: Domestic Violence was pled and proved.

- ☐ Additional current convictions listed under different cause numbers used in calculating the offender score are attached in Appendix 2.1b.

2.2 Criminal History:

	<i>Crime</i>	<i>Date of Crime</i>	<i>Date of Sentence</i>	<i>Sentencing Court (County & State)</i>	<i>A or J Adult, Juv.</i>	<i>Type of Crime</i>	<i>DV* Yes</i>
1	See attached criminal history						

* DV: Domestic Violence was pled and proved.

- ☒ Additional criminal history is attached in Appendix 2.2.
- ☐ The defendant committed a current offense while on community placement/community custody (adds one point to score). RCW 9.94A.525.
- ☐ The prior convictions listed as numbers _____, above, or in appendix 2.2, are one offense for purposes of determining the offender score (RCW 9.94A.525).
- ☐ The defendant has previously had DNA collected in this state pursuant to a previous conviction. RCW 43.43.7541.

2.3 Sentencing Data:

Count No.	Offender Score	Serious-ness Level	Standard Range (not including enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term
01	2	0	0 DAYS to 365 DAYS		0 DAYS to 365 DAYS	10 YEARS

(F) Firearm, (D) Other deadly weapons, (RPh) Robbery of a pharmacy, (CSG) criminal street gang involving minor, (P16) Passenger(s) under age 16.

☐ Additional current offense sentencing data is attached in Appendix 2.3.

2.4 ☐ Exceptional Sentence. The court finds substantial and compelling reasons that justify an exceptional sentence:

☐ below the standard range for Count(s) _____.

☐ above the standard range for Count(s) _____.

☐ 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.

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

☐ within the standard range for Count(s) _____, but served consecutively to Count(s) _____.

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.

2.5 Ability to Pay Legal Financial Obligations. The court makes the following specific findings:

☐ The defendant is "indigent" pursuant to RCW 10.101.010(3)(a)-(c) because:

☐ The defendant receives public assistance as defined in RCW 10.101.010(3)(a).

☐ The defendant is involuntarily committed to a public mental health facility.

☐ The defendant receives an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level.

☐ The defendant is not "indigent" as defined in RCW 10.101.010(3)(a)-(c) and therefore the court has considered the defendant's financial resources, and the nature of the burden that payment of costs will impose in determining the amount and method of payment for costs imposed by this judgment.

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

☐ The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.

2.6 ☐ Felony Firearm Offender Registration. The defendant committed a felony firearm offense as defined in RCW 9.41.010.

☐ The court considered the following factors:

☐ the defendant's criminal history.

☐ whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.

☐ evidence of the defendant's propensity for violence that would likely endanger persons.

☐ other: _____

☐ The court decided the defendant ☐ should ☐ should not register as a felony firearm offender.

III. Judgment

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

3.2 ☐ The court *dismisses* Counts _____ in the charging document.

IV. Sentence and Order

It is ordered:

4.1 Confinement. The court sentences the defendant as follows:

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

180 months ^{days} on Count 01

Actual number of ~~months~~ ^{days} of total confinement ordered is: 180

All counts shall be served concurrently, except for the following which shall be served consecutively:

This sentence shall run ~~consecutively~~ ^{concurrently} with the sentence in the following cause number(s) (see RCW 9.94A.589(3)): Washington County, OR, case #18CR16251

Confinement shall commence immediately unless otherwise set forth here: _____

☐ **Partial Confinement.** The 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
☐ work release RCW 9.94A.731

☐ home detention RCW 9.94A.731, .190
☐ electronic monitoring RCW 9.94A.030

☐ **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, to reduce the time spent in the community option by earned release credit consistent with local correctional facility standards, and may require the offender to perform affirmative conduct pursuant to RCW 9.94A.

☐ The defendant shall receive credit for time served in an available county supervised community option prior to sentencing. The jail shall compute time served.

☐ **Alternative Conversion.** RCW 9.94A.680. _____ days of total confinement ordered above are hereby converted to _____ hours of community restitution (service) (8 hours = 1 day, nonviolent offenders only, 30 days maximum) under the supervision of the Department of Corrections (DOC) to be completed on a schedule established by the defendant's community corrections officer but not less than _____ hours per month.

☐ **Alternatives to total confinement** were not used because of: _____
☐ criminal history ☐ failure to appear (finding required for nonviolent offenders only) RCW 9.94A.680.

- (b) **Credit for Time Served:** The defendant shall receive credit for eligible time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served.

4.2 Community Custody. RCW 9.94A.505, .702.

(A) The defendant shall serve 12 months (up to 12 months) in community custody.

The court may order community custody under the jurisdiction of DOC for up to 12 months if the defendant is convicted of a violent offense, a crime against a person under RCW 9.94A.411, or felony violation of chapter 69.50 or 69.52 RCW or an attempt, conspiracy or solicitation to commit such a crime, or a felony failure to register under RCW 9A.44.132(1). For offenses committed on or after July 12, 2008, the court shall impose a term of community custody under RCW 9.94A.701 if the offender is guilty of unlawful possession of a firearm with a finding that the defendant was a member or associate of a criminal street gang. The defendant shall

report to DOC not later than 72 hours after release from custody at the address provided in open court or by separate document.

(B) While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while on community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; and (9) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706. The defendant's residence location and living arrangements are subject to the prior approval of DOC while on community custody.

The court orders that during the period of supervision the defendant shall:

- ☐ not possess or consume alcohol.
- ☐ not possess or consume controlled substances, including marijuana, without a valid prescription.
- ☐ have no contact with: _____
- ☐ remain ☐ within ☐ outside of a specified geographical boundary, to wit: _____
- ☐ participate in the following crime-related treatment or counseling services: _____
- ☒ undergo an evaluation for, and fully comply with, treatment for ☐ domestic violence ☒ chemical dependency ☐ mental health ☐ anger management.
- ☐ comply with the following crime-related prohibitions: _____
- ☐ Other conditions: _____

(C) The conditions of community custody shall begin immediately upon release from confinement unless otherwise set forth here: _____

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

4.3 Legal Financial Obligations: The defendant shall pay to the clerk of this court:

JASS CODE

PCV	\$ 500.00	Victim assessment (mandatory)	RCW 7.68.035
PDV	\$ _____	Domestic Violence assessment	RCW 10.99.080
	\$ _____	Violation of a DV protection order (\$15 mandatory fine)	RCW 26.50.110
FRC	\$ 200.00	Criminal filing fee, (mandatory, however waive if Court found defendant to be indigent pursuant to RCW 10.101.010(3)(a)-(c) in section 2.5 above).	RCW 36.18.020
CRC	\$ _____	Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190	
		Witness costs \$ _____ WFR	
		Sheriff service fees \$ _____ SFR/SFS/SFW/WRF	

Jury demand fee \$ _____ JFR
 Extradition costs \$ _____ EXT
 Other \$ _____
 PUB \$ _____ Fees for court appointed attorney RCW 9.94A.760
 WFR \$ _____ Court appointed defense expert and other defense costs RCW 9.94A.760
 FCM/MTH \$ _____ ☐ Fine RCW 9A.20.021
 \$ 1000.00 ☒ VUCSA Fine 69.50.430
☐ deferred due to indigency
 \$ _____ DUI fines, fees and assessments
 CDF/LDI/FCD \$ _____ Drug enforcement Fund # ☒ 1015 ☐ 1017 (TF) RCW 9.94A.760
 NTF/SAD/SDI
 CLF \$ 100.00 Crime lab fee ☐ suspended due to indigency RCW 43.43.690
 \$ 100.00 DNA collection fee, (mandatory unless DNA previously collected by prior conviction in this state). RCW 43.43.7541
 FPV \$ _____ Specialized forest products RCW 76.48.140
 \$ _____ Other fines or costs for: _____
 DEF \$ _____ Emergency response costs (\$1,000 maximum, \$2,500 max. effective Aug. 1, 2012) RCW 38.52.430
 Agency: _____
 RTN/RJN \$ To be set Restitution to: _____
 (Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)
 \$ _____ **Total** RCW 9.94A.760

☐ The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

☐ shall be set by the prosecutor.
☐ is scheduled for _____ (date).

☐ The defendant waives any right to be present at any restitution hearing (sign initials): _____.

☐ **Restitution** Schedule attached.

☐ Restitution ordered above shall be paid jointly and severally with:

RJN	Name of other defendant	Cause Number	Victim's name	Amount-\$

☐ 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).

☐ All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ _____ per month commencing _____. RCW 9.94A.760.

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).

- ☐ The court orders the defendant to pay costs of incarceration at the rate of \$_____ per day, (actual costs not to exceed \$100 per day). (JLR) RCW 9.94A.760. (This provision does not apply to costs of incarceration collected by DOC under RCW 72.09.111 and 72.09.480.)

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 10.73.160.

- 4.4 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. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from the defendant for a qualifying offense. RCW 43.43.754.

- ☐ **HIV Testing.** The defendant shall submit to HIV testing. RCW 70.24.340.

4.5 No Contact:

- ☐ The defendant shall not have contact with _____ including, but not limited to, personal, verbal, telephonic, written or contact through a third party until _____ (which does not exceed the maximum statutory sentence).

- ☐ The defendant is excluded or prohibited from coming within:

☐ 500 feet ☐ 880 feet ☐ 1000 feet of:

☐ _____ (name of protected person(s))'s

☐ home/ residence ☐ work place ☐ school

☐ (other location(s)) _____

☐ other location _____, until _____ (which does not exceed the maximum statutory sentence).

- ☐ A separate Domestic Violence No-Contact Order, Stalking No-Contact Order, Antiharassment No-Contact Order is filed concurrent with this Judgment and Sentence.

- 4.6 Other:** _____

- 4.7 Off-Limits Order.** (Known drug trafficker). RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: _____

- 4.8 Exoneration:** The Court hereby exonerates any bail, bond and/or personal recognizance conditions.

V. Notices and Signatures

- 5.1 Collateral Attack on Judgment.** If you wish to petition or move for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.
- 5.2 Length of Supervision.** If you committed your offense prior to July 1, 2000, you shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the

date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. If you committed your offense on or after July 1, 2000, the court shall retain jurisdiction over you, for the purpose of your compliance with payment of the legal financial obligations, until you have completely satisfied your obligation, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 Notice of Income-Withholding Action. If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections (DOC) or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 Community Custody Violation.

(a) If you are subject to a violation hearing and DOC finds that you committed the violation, you may receive a sanction of up to 30 days of confinement. RCW 9.94A.633(1).

(b) If you have not completed your maximum term of total confinement and you are subject to a violation hearing and DOC finds that you committed the violation, DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. RCW 9.94A.633(2)(a).

5.5a Firearms. You may not own, use or possess any firearm, and under federal law any firearm or ammunition, unless your right to do so is restored by the court in which you are convicted or the superior court in Washington State where you live, and by a federal court if required. You must immediately surrender any concealed pistol license. (The clerk of the court 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 and RCW 9.41.047.

5.5b ☐ Felony Firearm Offender Registration. The defendant is required to register as a felony firearm offender. The specific registration requirements are in the "Felony Firearm Offender Registration" attachment.

5.6 Reserved.

5.7 ☐ Department of Licensing Notice: The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. **Clerk's Action** –The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.285. **Findings for DUI, Physical Control, Felony DUI or Physical Control, Vehicular Assault, or Vehicular Homicide (ACR information) (Check all that apply):**

☐ Within two hours after driving or being in physical control of a vehicle, the defendant had an alcohol concentration of breath or blood (BAC) of _____;

☐ No BAC test result.

☐ BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.

☐ Drug Related. The defendant was under the influence of or affected by any drug.

☐ THC level was _____ within two hours after driving.

☐ Passenger under age 16. The defendant committed the offense while a passenger under the age of sixteen was in the vehicle.

Vehicle Info.: ☐ Commercial Veh. ☐ 16 Passenger Veh. ☐ Hazmat Veh.

5.8 ☐ Department of Licensing Notice – Defendant under age 21 only.

Count _____ is (a) a violation of RCW chapter 69.41 [Legend drug], 69.50 [VUCSA], or 69.52 [Imitation drugs], and the defendant was under 21 years of age at the time of the offense **OR** (b) a violation under RCW 9.41.040 [unlawful possession of firearm], and the defendant was under the age of 18 at the time of the offense **OR** (c) a violation under RCW chapter 66.44 [Alcohol], and the defendant was under the age of 18 at the time of the offense, **AND** the court finds that the defendant previously committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

Clerk's Action –The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.265

5.9 Other: _____

Done in Open Court and in the presence of the defendant this date: July 5, 2019

[Signature]
Judge/Print Name: _____

[Signature]
Deputy Prosecuting Attorney

WSBA No. 35626

Print Name: Daniel A. Gasperino

[Signature]
Attorney for Defendant

WSBA No. 09072

Print Name: James J. Sowder

[Signature]
Defendant

Print Name:

ERIK JOHN GRAEFF

Voting Rights Statement: I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled.

My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must re-register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations.

My right to vote may be permanently restored by one of the following for each felony conviction: 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 29A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

Defendant's signature: [Signature]

I am a certified or registered interpreter, or the court has found me otherwise qualified to interpret, in the _____ language, which the defendant understands. I interpreted this Judgment and Sentence for the defendant into that language.

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

Signed at Vancouver, Washington on (date): _____

Interpreter

Print Name

I, Scott G. Weber, 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 the Court of said county and state, by: _____, Deputy Clerk

Identification of the Defendant

ERIK JOHN GRAEFF

18-1-00691-1

SID No: _____
(If no SID take fingerprint card for State Patrol)

Date of Birth: _____

FBI No. 179752AG8

Local ID No. _____

PCN No. _____

Other _____

Alias name, DOB: _____

Race: W

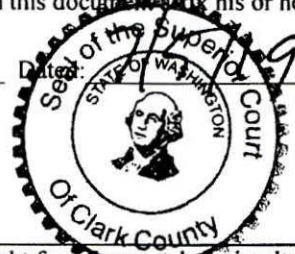
Ethnicity: _____

Sex: M

Fingerprints: I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto.

Clerk of the Court, Deputy Clerk, _____

Madeline Hill



The defendant's signature: _____

[Handwritten signature]

Left four fingers taken simultaneously

Left
Thumb

Right
Thumb

Right four fingers taken simultaneously

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

STATE OF WASHINGTON,
Plaintiff,

v.

ERIK JOHN GRAEFF,
Defendant

Date of Birth: _____

No. 18-1-00691-1

APPENDIX 2.2
DECLARATION OF CRIMINAL HISTORY



COME NOW the parties, and do hereby declare, pursuant to RCW 9.94A.525 that to the best of the knowledge of the defendant and his/her attorney, and the Prosecuting Attorney's Office, the defendant has the following undisputed prior criminal convictions:

CRIME	COUNTY/STATE CAUSE NO.	DATE OF CRIME	DATE OF SENTENCE	DV*? YES	PTS.
RECKLESSLY ENDANGERING ANOTHER PERSON	WASHINGTON/OR 18CR16251	12/21/2017	1/23/2019		
UNLAWFUL USE OF A WEAPON	WASHINGTON/OR 18CR16251	12/21/2017	1/23/2019		1

*DV: Domestic violence was pled and proved.

☐ The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.

DATED this _____ day of July, 2019.

Defendant

James J. Sowder, WSBA#09072,
Attorney for Defendant

Daniel A Gasperino, WSBA#35626
Deputy Prosecuting Attorney

DECLARATION OF CRIMINAL HISTORY
Revised 9/14/2000

CLARK COUNTY PROSECUTING ATTORNEY
1013 FRANKLIN STREET • PO BOX 5000
VANCOUVER, WASHINGTON 98666-5000
(360) 397-2261 (OFFICE)
(360) 397-2230 (FAX)

NOTICE OF APPEAL/LACK OF APPEAL

DATE: October 4, 2019

RE: Erik J. Graeff

CASE NO.: 18-1-00691-1

(Check applicable box)



Please be advised that a **Notice of Appeal has not been filed** regarding the above referenced defendant, and the time period for filing such Notice (following conviction **and** sentencing) has expired.



Please be advised that a **Notice of Appeal has been filed** regarding the above-referenced defendant. *(If checking this box, please enclose a certified copy of the Notice of Appeal.)*

COURT: Clark County Clerk's Office
P.O. Box 5000
Vancouver, WA 98666-5000

EXECUTED BY: _____

V. Gubser

Deputy Clerk

Dated: _____

10/9/19

*(Please complete, sign and date, and return this form in the enclosed pre-addressed envelope to:
The State Bar of California, 845 S. Figueroa Street, Los Angeles, CA 90017-2515)*

DECLARATION OF SERVICE BY FIRST CLASS AND CERTIFIED MAIL

CASE NUMBER: 19-C-22803

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

TRANSMITTAL OF RECORDS OF CONVICTION OF ATTORNEY, including:

**Certified Copy of the Amended Information
Certified Copy of the Journal of Criminal Minute Entries
Certified Copy of the Felony Judgment and Sentence
Notice of Lack of Appeal**

in a sealed envelope placed for collection and mailing as first class mail and as certified mail, return receipt requested, Article No.: 9414 7266 9904 2152 1804 75, at San Francisco, on the date shown below, addressed to:

**Erik J Graeff
PO Box 5532
Portland, OR 97228-5532
*Sent via first class and certified mail***

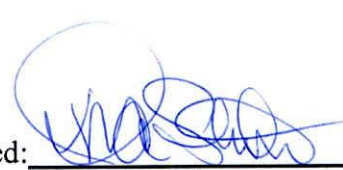
**Erik J Graeff #22744971
Mill Creek Correctional Facility
2605 State Street
Salem, OR 97310-0505
*Courtesy copy sent via first class mail***

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: October 25, 2019

Signed: 
Ina M. Strehle
Declarant