

FILED

Mar 19, 2024

Disciplinary
Board

Docket # 004

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

LAVETTE NADINE HOLMAN,

Lawyer (Bar No. 41588).

Proceeding No. 24#00011

ODC File No. 24-00201

STIPULATION TO REPRIMAND

Under Rule 9.1 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to reprimand is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through disciplinary counsel Kathy Jo Blake and Respondent lawyer Lavette Nadine Holman.

Respondent understands that Respondent is entitled under the ELC to a hearing, to present exhibits and witnesses on Respondent's behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that Respondent is entitled under the ELC to appeal the outcome of a hearing to the Disciplinary Board, and, in certain cases, the Supreme Court. Respondent further understands that a hearing and appeal could result in an outcome more favorable or less favorable to Respondent. Respondent chooses to resolve this proceeding now by entering into the following stipulation to facts, misconduct and sanction to

1 avoid the risk, time, expense attendant to further proceedings.

2 **I. ADMISSION TO PRACTICE**

3 1. Respondent was admitted to practice law in the State of Washington on August 20,
4 2009.

5 **II. STIPULATED FACTS**

6 2. On June 13, 2023, Respondent pleaded guilty to Felony Driving Under the Influence
7 of Intoxicating Liquor and/or Drugs in State v. Lavette Holman, Yakima County Superior Court
8 No 23-1-00126-39.

9 3. On September 19, 2023, Respondent was sentenced under the Parenting (Family and
10 Offender) Sentencing Alternative Sentence (RCW 9.94A.655) to a 12-month term of community
11 custody.

12 4. Felony Driving Under the Influence of Intoxicating Liquor and/or Drugs (RCW
13 46.61.502(6), 9.94A.533(13), and 46.61.522(b)) is a felony.

14 5. Between 2008 and 2019, Respondent was charged with gross misdemeanor Driving
15 Under the Influence of Intoxicating Liquor and/or Drugs at least four times.

16 6. Respondent was convicted of misdemeanor Negligent Driving in the First Degree
17 (amended from Driving Under the Influence of Intoxicating Liquor and/or Drugs) on April 8,
18 2021.

19 7. Respondent was convicted of gross misdemeanor Driving Under the Influence of
20 Intoxicating Liquor and/or Drugs on December 20, 2019.

21 8. Respondent was convicted of gross misdemeanor Reckless Driving (amended from
22 Driving Under the Influence of Intoxicating Liquor and/or Drugs) on August 11, 2017.

23 9. Respondent was convicted of gross misdemeanor Reckless Driving (amended from

1 Driving Under the Influence of Intoxicating Liquor and/or Drugs) on May 13, 2008.

2
3 **III. STIPULATION TO MISCONDUCT**

4 10. By committing the crime of Felony Driving Under the Influence of Intoxicating
5 Liquor and/or Drugs, Respondent violated RPC 8.4(i).

6 **IV. PRIOR DISCIPLINE**

7 11. Respondent has no prior discipline.

8 **V. APPLICATION OF ABA STANDARDS**

9 12. There is no American Bar Association Standards for Imposing Lawyer Sanctions
10 (1991 ed. & Feb. 1992 Supp.) that directly applies to violations of RPC 8.4(i). In re Disciplinary
11 Proceeding Against Curren, 115 Wn.2d 735, 770-71, 801 P.2d 962 (1990).

12 13. Under Curran, violation of RPC 8.4(i) (disregard for the rule of law) generally result
13 in a reprimand. Id. at 772.

14 14. Respondent acted knowingly.

15 15. Respondent's conduct in being convicted of Respondent's fifth alcohol related driving
16 offense since 2008 demonstrates a lack of regard for the rule of law. The legal system suffered
17 injury because the courts were required to address Respondent's misconduct in numerous
18 proceedings since 2008. The legal profession also suffered injury because the spectacle of a
19 lawyer repeatedly violating the criminal law brings disrespect to the profession.

20 16. The presumptive sanction is reprimand.

21 17. The following aggravating factors apply under ABA Standard 9.22:

22 (c) a pattern of misconduct; and

23 (i) substantial experience in the practice of law (admitted 2008).

1 18. The following mitigating factors apply under ABA Standard 9.32:

2 (a) absence of a prior disciplinary record; and

3 (b) absence of a dishonest or selfish motive;

4 19. It is an additional mitigating factor that Respondent has agreed to resolve this matter
5 at an early stage of the proceedings.

6 20. On balance the aggravating and mitigating factors do not require a departure from the
7 presumptive sanction.

8 **VI. STIPULATED DISCIPLINE**

9 21. The parties stipulate that Respondent shall receive a reprimand.

10 **VII. CONDITIONS OF PROBATION**

11 22. Respondent will be subject to probation for a period of two years beginning when this
12 stipulation receives final approval and shall comply with the specific probation terms set forth
13 below:

14 a) Respondent shall comply with all conditions set for in the judgment and sentence
15 issued in State v. Lavette Holman, Yakima County Superior Court No 23-1-00126-
16 39. See Appendix A. If Respondent continues under the Parenting (Family and
17 Offender) Sentencing Alternative, Respondent shall comply with all conditions of
18 that sentencing alternative. If, for any reason, the sentencing alternative is revoked,
Respondent shall comply with any conditions of community custody set forth in
section 4.4 of the judgment and sentence. Respondent shall execute any release
necessary for Respondent's Community Correction Officer to communicate with
ODC's probation administrator.

19 b) In the event Respondent is not on probation and/or community custody (i.e.
20 Respondent completes community custody before this period of probation expires),
Respondent shall abide by the following conditions:

- 21
- Respondent shall have no new criminal law violations;
 - Respondent shall report any arrests and/or charges to the ODC probation
22 administrator within 48 hours of arrest or receipt of information/affidavit of
23 probable cause (whichever comes first). In the event Respondent is
24 incarcerated upon arrest, Respondent shall notify the Probation Administrator

1 within 24 hours of release. The probation Administrator is currently Rachel
2 Agent (rachela@wsba.org or (206) 727-8234).

- 3 • Respondent shall not drive unless validly licensed and insured;
- 4 • Respondent shall not drive within 24 hours of consuming intoxicating liquor
and/or drugs;
- 5 • Respondent shall not refuse a lawfully requested test of Respondent's breath
or blood; and
- 6 • Respondent shall not drive without an ignition interlock device if one is
7 required by any court order or the Department of Licensing (DOL).

8 23. Failure to comply with a condition of probation listed herein may be grounds for
9 further disciplinary action under ELC 13.8(b).

10 VIII. RESTITUTION

11 24. No restitution is required by this stipulation.

12 IX. COSTS AND EXPENSES

13 25. In light of Respondent's willingness to resolve this matter by stipulation at an early
14 stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$750 in
15 accordance with ELC 13.9(i). The Association will seek a money judgment under ELC 13.9(l) if
16 these costs are not paid within 30 days of approval of this stipulation.

17 X. VOLUNTARY AGREEMENT

18 26. Respondent states that prior to entering into this Stipulation Respondent has consulted
19 independent legal counsel regarding this Stipulation, that Respondent is entering into this
20 Stipulation voluntarily, and that no promises or threats have been made by ODC, the Association,
21 nor by any representative thereof, to induce the Respondent to enter into this Stipulation except
22 as provided herein.

23 27. Once fully executed, this stipulation is a contract governed by the legal principles

1 applicable to contracts, and may not be unilaterally revoked or modified by either party.

2 XI. LIMITATIONS

3 28. This Stipulation is a compromise agreement intended to resolve this matter in
4 accordance with the purposes of lawyer discipline while avoiding further proceedings and the
5 expenditure of additional resources by the Respondent and ODC. Both the Respondent and ODC
6 acknowledge that the result after further proceedings in this matter might differ from the result
7 agreed to herein.

8 29. This Stipulation is not binding upon ODC or the respondent as a statement of all
9 existing facts relating to the professional conduct of the Respondent, and any additional existing
10 facts may be proven in any subsequent disciplinary proceedings.

11 30. This Stipulation results from the consideration of various factors by both parties,
12 including the benefits to both by promptly resolving this matter without the time and expense of
13 hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As
14 such, approval of this Stipulation will not constitute precedent in determining the appropriate
15 sanction to be imposed in other cases; but, if approved, this Stipulation will be admissible in
16 subsequent proceedings against Respondent to the same extent as any other approved Stipulation.


17 31. Under ELC 3.1(b), all documents that form the record before the Hearing Officer for
18 Hearing Officer's review become public information on approval of the Stipulation by the
19 Hearing Officer, unless disclosure is restricted by order or rule of law.

20 32. If this Stipulation is approved by the Hearing Officer, it will be followed by the
21 disciplinary action agreed to in this Stipulation. All notices required in the Rules for Enforcement
22 of Lawyer Conduct will be made. Respondent represents that, in addition to Washington,
23 Respondent also is admitted to practice law in the following jurisdictions, whether current status

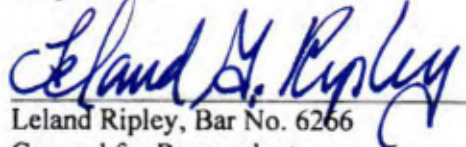
1 is active, inactive, or suspended: United States District Court for the Eastern District of
2 Washington and Yakama Nation Tribal Court.

3 33. If this Stipulation is not approved by the Hearing Officer, this Stipulation will have no
4 force or effect, and neither it nor the fact of its execution will be admissible as evidence in the
5 pending disciplinary proceeding, in any subsequent disciplinary proceeding, or in any civil or
6 criminal action.


7 WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation to
8 Reprimand as set forth above.

9
10 
11 Llavette Nadine Holman, Bar No. 41588
12 Respondent

Dated: 2-1-24

11
12 
13 Leland Ripley, Bar No. 6266
14 Counsel for Respondent

Dated: 3-1-24

14
15 
16 Kathy Jo Blake, Bar No. 29235
17 Managing Disciplinary Counsel

Dated: March 4, 2024

Appendix A to Stipulation

RECEIVED
SEP 19 2023
Yakima - DOC

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BILLIE A. MAGGARD, CLERK

'23 SEP 19 P 3 51

SUNNYVALE COURT
YAKIMA, WA 98901

FOSA

SUPERIOR COURT OF WASHINGTON FOR YAKIMA COUNTY

STATE OF WASHINGTON

Plaintiff,

NO. 23-1-00126-39

vs.

FELONY JUDGMENT AND SENTENCE (FJS)

LAVETTE NADINE HOLMAN

Defendant.

- Parenting (Family and Offender)
- Sentencing Alternative - RCW 9.94A.655
- Community Custody Ordered
- Clerk's Action Required: 4.10 (OREXB), 5.3 (Payroll Deduction), NLVR, NTPF, 5.6(Use of MV)
- Clerk's Action Required: Dismissal of Count 2 (ORDSM)

PCN: WA3900000107188684
SID No.: WA18807454
D.L#: HOLMALN252C8; DOC: None
DOB:2/28/1975; SEX: Female
RACE: Native American

438250

I. HEARING

1.1 **Hearing:** A sentencing hearing was held ~~March 30, 2023~~ ^{June 13, 2023} *GW GMS*. Present were the defendant, GREGORY L. SCOTT, attorney for the defendant, and TERESITA TAMEZ, Deputy Prosecuting Attorney.

1.2 **Allocution:** The defendant was given the right of allocution and asked if any legal cause existed why judgment should not be entered. There being no reason why judgment should not be pronounced, the Court makes the following findings and judgment.

1.3 **Dismissal:** The State moves for dismissal of Count 2 of this action for the reason that the defendant has entered a plea of guilty or is being sentenced on Count1 and prosecution of Count 2 is not necessary or desired.

II. FINDINGS

Based on testimony heard, statements by the defendant and/or victims, argument of counsel, any pre-sentence report, and case record to date, the court finds:

2.1 **Current Offense(s):** On ~~March 30, 2023~~ ^{June 13, 2023} *GW GMS*, the defendant was found guilty by a plea of:

Count 1 ~~September 14, 2023~~ ^{June 13, 2023} *GW GMS*
FELONY DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR AND/OR DRUGS
RCW 46.61.502(6), 9.94A.533(13) and 46.61.522(b) - Class B Felony
Date of Crime: November 8, 2022
Law Enforcement Incident No.: YPD #22Y037853

ORIGINAL

2.2 Special Findings: The Court makes the following special findings, based either upon a special jury verdict or upon the Court's own review of the evidence:

The defendant is eligible for a Parenting (Family and Offender) Sentencing Alternative pursuant to RCW 9.94A.655.

2.3 Criminal History: Prior criminal history used in calculating the offender score (RCW 9.94A.525):

| Crime | Date of Sentence | Sentencing Court (County & State) | Date of Crime | Adult or Juvenile | Type of Crime |
|---|------------------|-----------------------------------|---------------|-------------------|---------------|
| No Known Felony Convictions | | | | | |
| Non-Felony Convictions | | | | | |
| Drive Under Influence 9Z0533260 | 12/20/2019 | Yakima, WA | 5/25/2019 | Adult | GM |
| DUI amended to Neg. Driving 1 8Z0545400 | 4/8/2021 | Yakima, WA | 5/19/2018 | Adult | GM |
| DUI amended to Reckless Driving 6Z0646679 | 8/11/2017 | Yakima, WA | 96/28/2016 | Adult | GM |
| DUI amended to Reckless Driving B00072601 | 5/13/2008 | Spokane Muni, WA | 4/16/2008 | Adult | GM |

2.4 Other Current Convictions under other cause number(s) used to determine offender score:

| Crime | Cause Number | Court (County and State) | DV* Yes/No |
|-------|--------------|--------------------------|---------------|
| None | | | |

2.5 Sentencing Data: The following is the defendant's standard range for each crime pursuant to RCW 9.94A.510:

| Count No. | Offender Score | Seriousness Level | Standard Range (not including enhancements) | Plus Enhancements* | Total Standard Range (including enhancements) | Maximum Term |
|-----------|----------------|-------------------|--|--------------------|---|--------------|
| 1 | 3 | IV | 13-17 months | | | 10 years |

2.6 Exceptional Sentence: Substantial and compelling reasons do not exist which justify an exceptional sentence.

2.7 Legal Financial Obligations/Restitution: The Court has considered the total amount owing, the defendant's past, present, and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant is an adult and is not disabled and therefore has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 10.01.160. The court makes the following specific findings:

- The defendant is indigent as defined in RCW 10.101.010(3)(a)-(c) because the defendant:
- received public assistance is involuntarily committed to a public mental health facility receives an annual income, after taxes, of 125 percent or less of the current federal poverty level.
- The defendant is not indigent as defined in RCW 10.101.010(3)(a)-(c)
- The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753): _____
- The defendant has the present means to pay for the costs of incarceration. RCW 9.94A.760
- _____'s costs for its emergency response are reasonable. RCW 38.52.460 (effective August 1 2012)

III. JUDGMENT

3.1 **Guilty:** IT IS ADJUDGED that the defendant is guilty of the counts and charges listed in paragraph 2.1.

3.2 **Dismissal of Counts:** For the reasons given above, Count 2 is dismissed with prejudice.

IV. SENTENCE AND ORDER

4.1 **Confinement:** The defendant is not sentenced to confinement.

IT IS ORDERED that the defendant serve the sentence and abide by the conditions set forth below.

4.2 **Parenting (Family and Offender) Sentencing Alternative. RCW 9.94A.655.** Based on the Court's finding that the defendant is eligible for the parenting sentencing alternative and having determined that sentencing to be appropriate, the Court waives imposition of a sentence within the standard range and imposes the following sentence:

(a) **Community Custody:** The defendant shall serve a term of community custody of 12 months as set forth in paragraph 4.4 below.

- Unless otherwise specified here, this sentence shall be consecutive with prior sentences.
- 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. Defendant shall receive credit for _____ days served on this charge only.
- Confinement shall commence immediately unless otherwise set forth here: _____

4.3 **Additional Confinement Upon Violation of Sentence Conditions: Confinement Upon Violation Of Sentence Conditions:** The Court may bring the offender back into court to evaluate the defendant's progress in treatment and/or to determine if any violations of the sentence have occurred. The Court may modify the terms of community custody or impose sanctions. The Court may order the defendant to serve a term of total confinement within the standard range of the defendant's current offense at any time during the period of community custody if the defendant violates the conditions of the sentence or if the defendant is failing to make satisfactory progress in any treatment requested by the department. RCW 9.94A.655(7)(c).

4.4 **Community Custody:** The defendant shall serve community custody for a period of 12 months on Count 1 pursuant to RCW 9.94A.655 to commence upon the date of this order and shall comply with the conditions and crime related prohibitions as set forth below. During the time the defendant is in total or partial confinement pursuant to this sentence or a violation of this sentence, the period of community custody shall toll. The defendant shall report, in person, within 24 hours of this order or release from incarceration, whichever is later, to the Washington State Department of Corrections, 210 North Second Street, Yakima, Washington.

(a) While on community custody, the defendant shall:

- Report to and be available for contact with the assigned community corrections officer as directed.
- Work at Department of Corrections-approved education, employment and/or community restitution (service).
- Maintain law-abiding behavior and commit no new crimes.
- Cooperate fully with the supervising Community Corrections Officer.
- Notify DOC of any change in defendant's address or employment.

- Not consume any controlled substances except pursuant to a lawfully issued prescription.
- Not unlawfully possess controlled substances while on community custody
- ~~Pay supervision fees as determined by DOC~~
- Perform affirmative acts as required by DOC to confirm compliance with the orders of the court.
- 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 prior approval of DOC while on community custody
- Allow home visits by the Department of Corrections to monitor compliance with supervision. Home visits must include access for the purposes of visual inspection of all areas of the residence in which the defendant lives or has exclusive or joint control or access.
- Not own, use, or possess, including constructively, any firearm or ammunition.
- If any court orders mental health or substance use disorder 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.

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

- Report no later than the next business day after sentencing or release from jail to a Washington State approved alcohol/drug assessment facility for evaluation. Cooperate fully with the facility and immediately enter into and complete any recommended treatment program by the end of supervision.
- If a treatment program is not recommended, promptly complete Alcohol/Drug Information School.
- Report for urinalysis as ordered by the Department of Corrections.
- ~~Submit to regular polygraph examinations about drug and alcohol usage upon the request of the supervising Community Corrections Officer.~~
- Do not possess or consume any alcohol or intoxicating beverages, and submit to a breath alcohol analysis upon the request of the supervising Community Corrections Officer.
- Not drive a motor vehicle without a valid driver's license and financial responsibility. Violation will subject defendant to confinement for a minimum of 30 days.
- For _____ years after restoration of the drivers license, permit, or nonresident driving privilege, defendant shall only drive a motor vehicle which is equipped with an approved, functioning ignition interlock device, which shall be calibrated at .025 percent.
- Not drive with a blood or breath alcohol concentration of .08 or more within 2 hours after driving. Violation will subject defendant to confinement for a minimum of 30 days.
- Not refuse to submit to a breath or blood alcohol test upon request of a law enforcement officer. Violation will subject defendant to confinement for a minimum of 30 days.
- Complete the DUI Victim Impact Panel within 60 days of release from jail or prison as directed by the supervising Community Corrections Officer.
- Complete Defensive Driving School within 60 days of release from jail or prison as directed by the supervising Community Corrections Officer.
- Enter into, participate in, and successfully complete a Department of Corrections approved Parenting Class(es).
- Enter into, participate in, and successfully complete a Department of Corrections approved Chemical Dependency Treatment Program.

Together with the special conditions more fully set forth on page 11 of the attached FOSA Recommendation

4.5 Additional Term of Community Custody Upon Failure to Complete or Termination From Alternative Program: If terminated from the Parenting (Family and Offender) Sentencing Alternative sentence, the defendant shall serve 12 months community custody on Count 1 under RCW 9.94A.701. This term of community custody shall begin upon completion of defendant's term of incarceration in this case. Defendant shall report to DOC, Washington State Department of Corrections, 210 North 2nd Street, Yakima, WA, not later than 72 hours after release from custody and the defendant shall comply with the instructions, rules and regulations of DOC for the conduct of the defendant during the period of community custody, shall perform affirmative acts necessary to monitor compliance with the orders of the Court as required by DOC, **shall not use illegal controlled substances** and shall comply with any other conditions of community custody stated in Paragraph 4.4 of this Judgment and Sentence or other conditions that may be imposed by the Court or DOC during community custody.

4.6 Legal Financial Obligations/Restitution, Costs, Assessments, and Fine: Defendant shall pay the following to the Yakima County Superior Court Clerk, Room 323, Yakima County Courthouse, Yakima, WA 98901:

JASS/Odyssey
CODE

| | | |
|----------|-------------|---|
| PVC 3101 | \$ 500.00 | Victim Assessment – felony or gross misd. (RCW 7.68.035) |
| | \$ 1,500.00 | DUI fines, fees and assessments |
| | \$ 100.00 | DNA collection fee <input type="checkbox"/> suspended. DNA Previously collected RCW 43.43.7541 |
| RTN 3801 | \$ -0- | Restitution distributed to: _____, subject to modification. |
| | \$ 2,100.00 | TOTAL <i>RHB</i> |

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 _____ at _____
(date) (time)

The defendant waives any right to be present at any restitution hearing (sign initials): _____
 Restitution ordered above shall be paid jointly and severally with _____
Yakima County Cause No. _____

All payments 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, shall commence immediately, unless the court specifically sets forth the rate here: Not less than \$ _____ per months commencing _____, RCW 9.94A.760. (Restitution payments must begin immediately. RCW 9.94A.750(1).)

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).

Costs of Incarceration: The court orders the defendant to pay costs of incarceration at a 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.)

Costs of Medical Care: The court orders the defendant to pay costs of medical care incurred by Yakima County on behalf of the defendant, and orders the defendant to pay such medical costs as assessed by the Clerk. Such costs are payable only after restitution costs, assessments and fines listed above are paid. RCW 70.48.130.

Restitution obligations imposed in this judgment shall bear interest from the date of judgment until payment in full, at the rate applicable to civil judgments. No interest shall accrue on non-restitution obligations imposed in this judgment. 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.

Forfeiture of Funds: The financial obligations ordered above, in part or in full, shall be paid from defendant's funds held by _____ who is ordered to pay such funds to the Clerk of the above Court. Any balance shall be paid by the defendant.

4.7 Petition For Remission: The defendant, if not in willful default on financial obligations due hereunder, may at any time petition the court for remission of all or part of the financial obligations due, except restitution or interest on restitution, or to modify the method of payment under RCW 10.01.160 through RCW 10.01.180 and RCW 10.73. Non-restitution interest may be waived only after the defendant has either (a) paid the principal amount in full or (b) made at least fifteen monthly payments within an eighteen-month period, as set by the Clerk, and further payment of interest will cause a significant hardship. RCW 10.82.090.

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. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. If you are out of custody at the time of sentencing, you will immediately report to the front desk of the Yakima County Jail for the taking of a DNA sample. RCW 43.43.754.

HIV Testing. The defendant shall submit to HIV testing, pretest and posttest counseling and the defendant shall fully cooperate in the testing and counseling. If in custody and sentenced to serve additional time, the testing shall be performed by the Yakima County Care Provider prior to the defendant being released. If out of custody or the Yakima County Care Provider is unable to perform the testing prior to the defendant's release, the defendant shall report to the Yakima Health District, 1210 Ahtanum Ridge Drive, Union Gap, WA. for the purposes of testing. RCW 70.24.340.

4.9 Other: _____

OREXB 4.10 Bail is exonerated. The court hereby exonerates any bail, bond and/or personal recognizance conditions previously posted in this case only.

V. NOTICES

The defendant, by signing below, acknowledges each of the statements in this section.

5.1 Collateral Attack on Judgment: If you wish to petition or move or 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.

5.2 Length of Supervision/Jurisdiction. 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 legal financial obligations, until you have completely satisfied your obligations, 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 our 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 4.2, 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 the court finds that you committed the violation, the court may modify the conditions of community custody or impose sanctions. RCW 9.94A.655(7).

5.5 Successful Completion: Upon successful completion of the requirements of the sentence, the defendant shall be eligible for a certificate of discharge. RCW 9.94A.637.

5.6 Department of Licensing Notice: The court finds that Count 1 is a felony in the commission of which a motor vehicle was used.

Findings for DUI, Physical Control, Felony DUI or Physical Control, Vehicular Assault, or Vehicular Homicide (ACR Information) (Check all that apply):

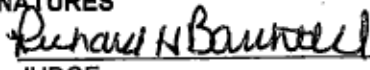
BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.

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. RCW46.20.285

5.7 Other: _____

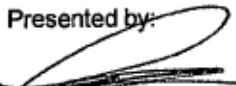
VI. SIGNATURES

Done in open court and in the presence of the defendant this March 30, 2023



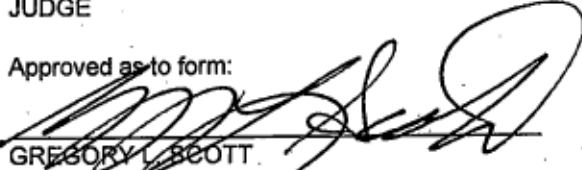
JUDGE

Presented by:



FERESITA TAMEZ
Deputy Prosecuting Attorney
Washington State Bar No. 46603

Approved as to form:



GREGORY L. SCOTT
Attorney for Defendant
Washington State Bar No. 17433



DEFENDANT

VII. ACKNOWLEDGMENTS

NTIPF

Loss of Firearm Rights Statement: I acknowledge that I may not own, use or possess any firearm, and under federal law any firearm or ammunition, unless or until my right to do so has been restored by the court in which I was convicted or the superior court in county in Washington State where I live, and by a federal court if required. I acknowledge that I must immediately surrender any concealed pistol license.

Clerk's Action Required: The clerk of the court shall forward a copy of the defendant's driver's license, identicaid, or comparable identification to the Department of Licensing along with the date of conviction or commitment. RCW 9.41.040, 9.41.047.

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.

NLVR

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 discharged 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 discharged issued by the indeterminate sentence review board, RCW 9.96.050; or Drugs) a certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right to restored is a class C felony, RCW 29A.84.660. Registering to vote before the right to restored is a class C felony, RCW 29A.84.140.

Defendant's signature: _____

INTERPRETER'S DECLARATION: I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated the notices in Section V and acknowledges in Section VII for the defendant from English into that language. The defendant acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Interpreter

Print Name

Date and Place

VIII. WARRANT OF CONFINEMENT

THE STATE OF WASHINGTON

TO: The Yakima County Sheriff
TO: The Yakima County Department of Corrections
TO: The Washington State Department of Corrections

The defendant has been convicted in the Superior Court of the State of Washington of the crime of:

COUNT 1 - FELONY DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR AND/OR DRUGS

and the court has ordered that the defendant be punished as set out in the attached Judgment and Sentence.

YOU ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

DATED: March 30, 2023

By the Direction of the Honorable

RICHARD H. BARTHELD

JUDGE JUDGE

BILLIE A. MAGGARD, Clerk

By: _____

Deputy Clerk

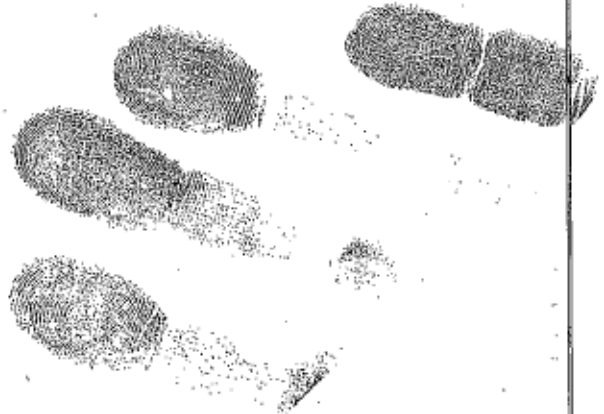


IX. IDENTIFICATION OF THE DEFENDANT

Defendant: LAVETTE NADINE HOLMAN; DOB: 2/28/1975; SEX: Female; RACE: Native American;
SID: WA18807454 TCN: WA3900000107188684

Left four fingers taken simultaneously

Right four fingers taken simultaneously



Left Thumb

Right Thumb



Defendant's signature:

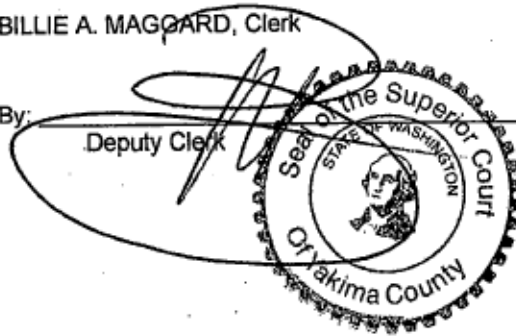
I attest that I saw the defendant who appeared in court affix his or her fingerprints and signature on this document.

DATED: March 30, 2023

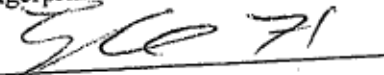
BILLIE A. MAGGARD, Clerk

By:

Deputy Clerk



Under penalty of perjury I took fingerprints of listed Defendant

X 
YCDOC

- Defendant must be a parent with physical custody of a minor child; or be an expectant parent; or a legal guardian of a minor child; or a biological parent, adoptive parent, custodian, or a stepparent with a proven, established, ongoing, and substantial relationship with a minor child that existed at the time of the offense.
- Will be sentenced for an offense where the high end of the standard sentence range is greater than one year,
- Has no current or history of a felony sex offense; a serious violent offense; or a felony offense where the individual was armed with a firearm or deadly weapon in the commission of the offense.
- Has no current conviction for a violent offense.
- Signed all release of information forms and resides in Washington State.

RECOMMENDATION NARRATIVE:

Ms. Holman meets the legal eligibility criteria for a FOSA sentence for this cause.

If granted If a FOSA sentence, she would receive intensive case management services and would be held to a high standard of accountability. In Phase 1 (first three months), she'll be required to make herself available for weekly home/field contacts, submit to weekly drug tests, and be required to report telephonically three times per week (Mon/Wed/Fri).

In Phase 2 (months four through eight), she'll be required to make herself available at least twice a month for home/field contacts, submit to drug testing every other week if there are no prior positive samples or violations and report telephonically two times per week (Mon/Wed).

In Phase 3, (months nine through twelve), she'll be required to make herself available once a month for home/field contacts, submit to monthly drug testing if there are no prior positive samples or violations and report telephonically once per week (Mon).

These contacts with the CCO Specialist will generally take place at the residence but could also take place at other locations in the community, or at the local DOC office. If there are supervision violations, Ms. Holman would move back one phase for at least one month, and the violations would be reported to the Court. Additionally, collateral contacts are made to verify progress and ongoing suitability for FOSA. Including, DOC will maintain contact with DCYF if there are ongoing services with them. Ms. Holman could also be required to participate in offender change programming such as "Thinking for a Change" or a parenting class, in addition to any other required services (i.e.: chemical dependency, mental health, etc.). The Department will provide quarterly progress reports to the Court, the Prosecuting Attorney and the Defense Attorney.

It should also be noted that FOSA places a heavy emphasis on "present parenting" which the Department defines as: clean and sober living; putting children first in daily decision making; and focusing on the developmental, educational, nutritional, and physical/mental health needs of children. All participants in FOSA are expected to spend at least 20 minutes a day either reading or doing homework with their children and participating in at least one family meal a day without the distraction of electronics.

Based upon a review of the available investigative information, the Department DOES recommend a FOSA sentence for Ms. Holman.

It is respectfully recommended that the Court orders the following special conditions, in addition to the standard conditions of community custody:

- Successfully continue in and fully comply with SMART START IGNITION INTERLOCK (alcohol monitoring) program at your own expense, for the duration of supervision. Also, sign a full disclosure release of information with the alcohol monitoring program;
- Do not possess, consume, or transport-controlled substances, including Marijuana, except pursuant to a lawfully issued prescription;
- Do not consume, possess, or transport alcohol on your person, in your home and in your vehicle;
- Refrain from using and possessing any products containing alcohol, for example, but not limited to mouth wash, cooking alcohol, and breath strips
- No casinos/gaming establishments;
- No Bars, Taverns, or Lounges or places where the primary source of income is from alcohol sales;
- Complete a drug and alcohol evaluation and comply with all treatment recommendations;
- Complete a mental health evaluation and comply with all treatment recommendations;
- Sign a release of information with primary physician, regarding the level of care and medication prescribed surrounding alcoholism and mental health;
- Report all law enforcement contact to your CCO within 24 hours;
- Comply with any additional conditions imposed by DOC;
- Obey all laws;
- Comply with all directives, treatment and services from Department of Child and Youth Family (DCYF) staff;
- Polygraph testing to verify compliance at DOC discretion and at Ms. Holman's expense;
- Any supervision time spent in inpatient chemical dependency treatment shall be tolled, if inpatient treatment becomes necessary.

FOSA eligible Yes No FOSA suitable Yes No

I certify or declare under penalty of perjury of the laws of the State of Washington that the foregoing 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.

Terra Ambrose
 FOSA Corrections Specialist
 916 N. 16th Ave. Ste. 102 Yakima, WA 98902
 Address

Terra Ambrose
 Signature

09/11/2023
 Date
 (509) 314-0802
 Telephone

Katrina Avent
FOSA Program Supervisor/Administrator
7345 Linderson Way SW, Tumwater WA 98501
Address

Katrina Avent
Signature

09/11/2023
Date
(253) 509-3714
Telephone

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 16-01, RCW 42.56, and RCW 40.14.

Distribution: **ORIGINAL** - Court

COPY - Prosecuting Attorney, Defense Attorney, Field file