

WASHINGTON UNIFORM CRIMINAL COMPLAINT DOCKET
IN THE DISTRICT COURT 1 (TACOMA) OF THE STATE OF WASHINGTON
COUNTY OF PIERCE, TACOMA

THE STATE OF WASHINGTON,

Plaintiff,

vs.

MICHAEL JAMES SMITH
6534 63RD ST W
UNIVERSITY PLACE, WA 98467

Defendant.

CIT. NO: N/A
CAUSE NO: 5ZC003037
AGENCY: UNIVERSITY PLACE
POLICE DEPT
AG ID: 2724
INCID #: 152690078

CRIMINAL COMPLAINT

SEX: MALE RACE: DOB: 7/29/1973 DOL#: WA SMITHMJ279M9 Exp:
HT: 6' 2" WT: 190 EYES: BROWN HAIR: BLACK PCN#:
Vehicle Lic#:

COUNT I: DRIVING UNDER THE INFLUENCE - ALCOHOL; CITE: RCW 46.61.502(1)(a)(c)(d)
AMENDED: _____

COUNT II: DUTY ON STRIKING PROPERTY; CITE: RCW 46.52.010(2)
AMENDED: _____

FINDING	DATE	JAIL TIME	DAYS SUSP.	CTS	FINE	SUSP.
G NG D BF						

(1)

(2)

COUNT I

I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse MICHAEL JAMES SMITH of the crime of DRIVING UNDER THE INFLUENCE - ALCOHOL [GROSS MISDEMEANOR], committed as follows:

CRIMINAL COMPLAINT - 1

1 That MICHAEL JAMES SMITH, in Pierce County, on or about the 26th day of September, 2015,
2 did unlawfully drive a motor vehicle while: 1) under the influence of or affected by intoxicating liquor,
3 marijuana, or any drug, or any combination thereof; or 2) having a sufficient amount of alcohol in his or
4 her system at the time of driving to cause his or her blood alcohol concentration to be 0.08 or higher
5 within two hours of driving, as shown by an analysis of his or her breath or blood made under RCW
6 46.61.506, contrary to RCW 46.61.502(1)(a)(c)(d), and had an alcohol concentration of at least 0.15,
7 thereby enhancing the sentence and invoking the provisions of RCW 46.61.5055, and against the peace
8 and dignity of the State of Washington.

COUNT II

7 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the
8 authority of the State of Washington, do accuse MICHAEL JAMES SMITH of the crime of DUTY ON
9 STRIKING PROPERTY [MISDEMEANOR], a crime of the same or similar character, and/or a crime
10 based on the same conduct or on a series of acts connected together or constituting parts of a single
11 scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be
12 difficult to separate proof of one charge from proof of the others, committed as follows:

11 That MICHAEL JAMES SMITH, in Pierce County, on or about the 26th day of September, 2015,
12 did unlawfully, while driving a vehicle, knowingly become involved in an accident that resulted in
13 damage to property fixed or placed upon or adjacent to a public highway and did fail to take reasonable
14 steps to locate and notify the owner or person in charge of such property of the fact of the accident and of
15 the name and address of the owner and operator of the vehicle striking the property, or did fail to leave in
16 a conspicuous place upon the property struck a written notice, giving the name and address of the operator
17 and of the owner of the vehicle striking the property, and, further, did not make report of such accident as
18 in the case of other accidents upon the public highways of this state, contrary to RCW 46.52.010(2), and
19 against the peace and dignity of the State of Washington.

18 I, Nathan A Zink, Deputy Prosecuting Attorney, certify/declare under penalty of perjury under the
19 laws of the State of Washington that I have reasonable grounds to believe, and do believe, the above
20 person committed the above offenses contrary to law.

20 Author: nz

DATED this 7th day of October, 2015.

21 By: /s/ Nathan A Zink
22 Nathan A Zink
23 Deputy Prosecuting Attorney
24 WSB#: 45292

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THE STATE OF WASHINGTON,

Plaintiff,

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Defendant.

CIT. NO: N/A
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**DECLARATION FOR DETERMINATION OF
PROBABLE CAUSE**

Nathan A Zink declares under penalty of perjury:

That I am a deputy prosecuting attorney for Pierce County and I am familiar with the police report and/or investigation conducted by the UNIVERSITY PLACE POLICE DEPT, incident number 152690078;

That the police report and/or investigation provided me the following information:

That in Pierce County, Washington, on or about the 26th day of September, 2015, the defendant, MICHAEL JAMES SMITH, did commit the following crime(s): DRIVING UNDER THE INFLUENCE - ALCOHOL - BAC .15 OR GREATER; DUTY ON STRIKING PROPERTY

Pierce County Sheriff's Department (PCSD) Deputy Smith was pulled off the road and parked in the 3800 block of Grandview Drive West when he heard a vehicle approaching his location. The vehicle sounded as though it was traveling on flat tires. Through his rearview mirror, Deputy Smith observed a damaged maroon Toyota Tacoma truck approaching his location. The truck left the roadway to enter the street parking area where Deputy Smith was parked, but swerved back into the roadway at the last minute to avoid a near rear end collision with Deputy Smith's patrol vehicle.

Deputy Smith pulled in behind the truck and observed that its tires were nearly flat, the entire right side looked as though it was involved in a collision, and the right rear bumper was also damaged. Deputy Smith stopped the truck after he observed it straddle the yellow center line for approximately three blocks. Deputy Smith made contact with the driver, later identified as MICHAEL JAMES SMITH, herein the defendant. The damage to the truck was extensive. The front passenger headlamp and bumper, rear passenger tire and wheel, and rear passenger bumper were completely destroyed. The rear passenger wheel was missing its Toyota logo center cap and mud flap.

Deputy Smith immediately noticed an open beer bottle in the center cup holder that appeared to be a quarter full. A case of Red Hook beer was resting on the front passenger seat. Deputy Smith smelled an overwhelming odor of intoxicants and observed that the defendant's eyes were bloodshot and watery and that his head bobbed and swayed as he sat in the driver's seat. Deputy Smith asked the defendant what he struck with his vehicle, and the defendant answered, "I did not hit anything," through slurred speech.

DECLARATION FOR DETERMINATION
OF PROBABLE CAUSE -1

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 109
Tacoma, WA 98402-2171
Misdemeanors (253) 798-1446

1 Dispatch advised of a call regarding a hit and run that occurred in the 9100 block of Cirque Drive
2 West, and PCSD Deputy Masko responded to that scene. Once on scene, Deputy Masko observed pieces
3 of a vehicle scattered on the ground. A power pole was damaged and a speed limit sign was knocked
4 down and mangled. There were pieces of automobile light housing, a mud flap, and a broken Toyota logo
at the scene. Deputy Masko was able to match the scattered car parts to the defendant's truck, and advised
Deputy Smith.

5 Back at the site of the stop, Deputy Smith had the defendant exit the vehicle. The defendant
6 stumbled as he exited. The defendant's coordination was poor and Deputy Smith had to hold the
7 defendant up to prevent him from falling down. Based on the high level of intoxication and potential risk
8 of injury, Deputy Smith did not ask the defendant if he would perform voluntary field sobriety tests.
9 Deputy Smith took the defendant into custody, advised him of his *Miranda* rights, and transported him to
the Lakewood Police Station for breath testing. Once at the station, the defendant submitted two valid
breath samples reading .219 and .214 grams of ethanol per 210 liters of breath.

10 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF
11 WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

12 DATED: October 7, 2015
13 PLACE: TACOMA, WA

14 /s/ Nathan A Zink
15 Nathan A Zink, WSB# 45292

DISTRICT COURT NO. 1 FOR PIERCE COUNTY

ENTD

STATE OF WASHINGTON,

Plaintiff,

vs.

Michael Smith

Defendant,

NO. 520003037

STATE'S WRITTEN DEMAND FOR DISCOVERY AND INFORMATION

TO: DEFENDANT
AND TO: HIS/HER ATTORNEY OF RECORD

YOU AND EACH OF YOU PLEASE TAKE NOTICE that plaintiff hereby makes the following demands and requests under CrRLJ 4.7:

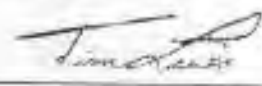
1. The names, addresses, and telephone numbers of all persons whom defendant intends to call as witnesses at hearings or at trial in this case, together with any written or recorded statements and the substance of any oral statements of such witnesses;
2. Disclosure of any books, papers, documents, photographs, or tangible objects which defendant intends to use or offer in evidence at hearings or at trial;
3. The names, addresses, and telephone numbers of any persons whom defendant intends to call as expert witnesses at hearings or at trial, together with the subject matter of their testimony, and any reports or findings submitted to defendant or his/her attorney related to their testimony;
4. Disclosure of any claim of incompetency to stand trial;
5. Whether defendant's prior convictions, if any, will be stipulated to or need to be proved;
6. Whether defendant will rely on a defense of insanity at the time of the offense;
7. Disclosure of the general nature of defendant's defense and the legal and factual basis for any pretrial motions or motions in limine;
8. _____

Each of the foregoing demands is subject to a continuing duty to disclose under CrRLJ 4.7 (g) (2).

PLEASE TAKE FURTHER NOTICE that failure to comply with these requests will result in plaintiff moving for appropriate relief under CrRLJ 4.7 (g).

Dated this 13 day of October, 2015

MARK LINDQUIST
Prosecuting Attorney

BY 
Deputy Attorney 33767

PIERCE COUNTY DISTRICT COURT
930 Tacoma Ave S, Rm 239, Tacoma, WA 98402, (253) 798-7487
ORDER AND NOTICE OF CASE SETTING

STATE OF WASHINGTON,	Plaintiff,
vs.	
SMITH, MICHAEL JAMES	Defendant.

CASE NO.: (1) 52C003037

State by: DPA / R9 SCOVEL Defendant by: KIRK Interpreter: _____
Probable cause found: Yes No Release: PR Cash Bail Bail Bond _____
Speedy trial expires: 1/18/2016

The above named defendant is hereby ordered to appear for:

NEXT COURT DATE(S): Pre-Trial Conference on 11/13/2015 at 8:45 AM in room 603

Other JURY DEMAND FILED

COURT ORDERED CONDITIONS OF RELEASE:

- Have law abiding behavior, no similar incidents and no criminal violations of law;
- Do not drive a motor vehicle without a valid license and proof of insurance or financial responsibility;
- Do not drive a motor vehicle with a blood alcohol concentration in excess of .00;
- Do not consume or possess any alcohol. Have no alcohol or drug related incidents/offenses;
- Do not consume or possess any mind altering drugs not prescribed/authorized by a physician and do not possess any unlawful drug paraphernalia; including marijuana
- Do not refuse a blood/breath/urine test if ordered by the court / probation or if requested by law enforcement or treatment provider;
- Have ignition interlock installed on any vehicle driven: per Department of Licensing
- Pretrial release condition - file proof of installation OR Declaration of Non-driving by 10/27/2015
- Probation supervision report TODAY - pretrial formal, UA's authorized UPON REASONABLE SUSPICION

10/20/2015

Date

Judge Jeanette A. Lineberry

Defendant / Attorney copy received

Defendant's failure to appear for mandatory hearing may result in the issuance of a warrant. Failure to appear for any hearing or pay a monetary assessment may result in the suspension of your privilege to drive.

11/13
603

Smith, Michael - 07/29/1973

Account # 002725151028011821

Page 1 of 1



Interlock Installation Notification

Report Generated On 10/26/15

Client Information:

Name: Smith, Michael

DOB: 7/29/73

DL #: Smithmj279m9

Address: [Redacted]
University Place, WA 98487

Phone #: [Redacted]

Case #: 5ZC003037

State/County ID #:

County: Pierce

Installation Date: 10/26/15

Removal Date:

Monitor Information:

Name: District Court, Pierce (WA)

Address: 930 Tacoma Ave S, Room 801
Tacoma, WA 98402

Phone #: 253-798-7487

Fax #: 253-798-8818

E-Mail:

Condition: Pretrial

Location Information:

Date of Installation: 10/26/15

Service Center: WACorpLakewood

Address: 9901 Gravelly Lake Dr SW
Lakewood, WA 98400

Phone #: 1-800-880-3394

Fax #: 972-929-8838

Representative: Loviska, Brian

Vehicle Information:

Mileage: 49189

Make and Model: 2011 Lexus RX350 (Push-

Plate #: [Redacted]

VIN: [Redacted]

Device Information:

Device/Model: 2030 Head

Handset #: EIAN016512

Relay #: EFG8010441

Camera #: EJJR041970

10/26/15 09:42:32

The client was installed by Smart Start on 10/26/15. Some of the client's data may be missing because we do not yet have all of the information.



Service Date: 10/26/15 1:18 PM
Store: Smart Start of WA
Address: 9901 Gravelly Lake Dr SW
Lakewood, WA 98499
Phone: 253-588-1333

Name: Michael Smith
Home Phone: [REDACTED]
Date of birth: 7/29/73

VIN: [REDACTED]
Vehicle: 2011 Lexus RX350 (Push-Start)
Account #: [REDACTED]
Install Date: 10/26/15

Next Lockout Date: 11/26/15
Next Appointment Date: 11/20/15 9:15 AM

Charges	Amount
Lease	\$71.00
WSP Install Fee	\$19.00
WA DOL Fee	\$30.00
Current Install	\$0.00
Install	\$0.00
Total Tax	\$0.00
Previous Due	\$0.00
Total Due	\$101.00

Payments	Amount
Credit Card MasterCard	\$101.00
Total Paid	\$101.00

BALANCE \$0.00

Please visit Smart Start of Washington website www.SMARTSTARTWA.com for additional locations near you, downloads and more.

Handwritten notes: 10/27 10:00 AM, [unclear], [unclear]

C | K | K **FAX**
COWAN KIRK KATTENHORN

DOUGLAS COWAN
WILLIAM KIRK
CHRISTOPHER J. KATTENHORN
MATTHEW C. KNAUSS

TO: Clerk of the Court; Pierce County DC ATTN: Court Room 603	FAX: (253) 798-6310	PHONE: (253) 798-7487
FROM: April Barnes; Legal Secretary	SENDER'S FAX NUMBER: (425) 822-8046	SENDER'S PHONE NUMBER: (425) 822-1220
RE State vs. Michael Smith, Case No. 5ZC003037 UPL	DATE: October 27, 2015	PAGES INCLUDING COVER: 2

URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

NOTES/COMMENTS:

ATTACHED: PROOF OF IGNITION INTERLOCK INSTALLATION

FILED
OCT 27 AM 9 43
PIERCE COUNTY
DISTRICT COURT