

CRIMINAL TRAFFIC NON-TRAFFIC

CR 15377

IN THE DISTRICT MUNICIPAL COURT OF _____ MASON COUNTY, WASHINGTON

STATE OF WASHINGTON, PLAINTIFF VS. NAMED DEFENDANT
 COUNTY OF MASON
 CITY/TOWN OF _____

L.E.A. ORI #: WA023000 COURT ORI #: WA023013J

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON

DRIVER'S LICENSE NO.		STATE	EXPIRES	PHOTO I.D. MATCHED <input type="checkbox"/> YES <input type="checkbox"/> NO
NAME: LAST BYRD	FIRST RICHARD	MIDDLE LLOYD	CDL <input type="checkbox"/> YES <input type="checkbox"/> NO	
ADDRESS 301 E LEEDS DR.				<input type="checkbox"/> IF NEW ADDRESS
CITY SHELTON	STATE WA	ZIP CODE 98584	EMPLOYER	LOCATION
DATE OF BIRTH 10-06-39	RACE W	SEX M	HEIGHT 5'7	WEIGHT 145
			EYES BLU	HAIR BLK
RESIDENTIAL PHONE NO. (360) 426-9323	CELL/PAGER NO.	WORK PHONE NO.		
VIOLATION DATE MONTH 3 DAY 31 YEAR 12	TIME 2025			<input type="checkbox"/> INTERPRETER NEEDED LANG: _____
ON OR ABOUT	M.P.		CITY/COUNTY OF MASON	
AT LOCATION 301 E LEEDS DR				

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND

VEHICLE LICENSE NO.	STATE	EXPIRES	VEH. YR.	MAKE	MODEL	STYLE	COLOR
TRAILER #1 LICENSE NO.	STATE	EXPIRES	TR. YR.	TRAILER #2 LICENSE NO.	STATE	EXPIRES	TR. YR.
OWNER/COMPANY IF OTHER THAN DRIVER							
ADDRESS		CITY		STATE		ZIP CODE	
ACCIDENT NO NR R I F	BAC READING	CMV <input type="checkbox"/> YES <input type="checkbox"/> NO	16+ PASS <input type="checkbox"/> NO	HAZMAT <input type="checkbox"/> YES <input type="checkbox"/> NO	EXEMPT VEHICLE	FARM <input type="checkbox"/> FARM <input type="checkbox"/> R.V.	FIRE <input type="checkbox"/> FIRE <input type="checkbox"/> OTHER

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES

#1 VIOLATION/STATUTE CODE **9A.36.041** DV **Nancy Byrd 1-19-40**
ASSAULT 4TH DEGREE

#2 VIOLATION/STATUTE CODE DV

FILED-MCDC APR 02 2012

MANDATORY COURT APPEARANCE OR BAIL FORFEITURE IN U.S. \$1000.00

APPEARANCE DATE	MO.	DY.	YR.	TIME	A.M. P.M.	RELATED # 12-04068	DATE ISSUED 3-31-12
-----------------	-----	-----	-----	------	--------------	------------------------------	-------------------------------

Served on Violator
 Sent to Court for Mailing
 Referred to Prosecutor

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S).

OFFICER **BETTLE** # **1386**

COMPLAINT / CITATION

ABSTRACT OF JUDGMENT	CRG	PLEA	CNG	FINDINGS	FINE	SUSPENDED	SUB-TOTAL	FIND/JUDG DATE
	1	G	NG	G NG D BF	\$	\$	\$	ABS. MLD TO OLY
	2	G	NG	G NG D BF	\$	\$	\$	TO SERVE
OTHER COSTS \$							WITH	DAYS SUP.
RECOMMENDED NONEXTENSION OF SUSPENSION <input type="checkbox"/>				LICENSE SUR-RENDER DATE		TOTAL COSTS \$		CREDIT / TIME SVD

CR 15377

MASON COUNTY SHERIFF'S OFFICE
DECLARATION OF PROBABLE CAUSE

Case Number:12-04068

Probable cause exists for the charging and/or arrest and/or detention of the defendant based on the following fact and circumstances: On 3/31/12 at 1859 hours Richard Lloyd Byrd 10-06-39 did violate RCW 9A.36.041 Assault 4 DV.

On 3/31/12 at approximately 1859 hours Macecom advised of a domestic disturbance at 301 Leeds Dr. The V/ Nancy A Byrd 1/19/40 called in the complaint. Macecom advised the S/ Richard Lloyd Byrd 10/06/39 was on the deck smoking a cigarette.

I contacted Nancy in the house. Nancy is disabled and bound to a wheelchair other than to stand up for short periods of time. I also observed Richard sitting on the deck smoking a cigarette with a glass of some kind of liquid setting on the bbq. Nancy said that Richard has been drinking scotch since 1600 hours. Nancy said they got into an argument about what she was going to make for dinner when he came up to her and slapped her with a open hand across the right side of her face. She said her face was still burning and she had ringing in her ear. I told Nancy that I could not see any redness on the right side of her face. Nancy also said Richard pushed her across the dining room floor to the living room where she had to put her feet up to prevent her self from hitting furniture. Nancy also has a leg brace on her left leg. I asked Nancy how long they have been married. She said 55 years. I asked Nancy if she felt safe with Richard in the house, Nancy said she did not. Nancy said that this has been a on going problem. She said Richard had gotten into a vehicle accident and has not been the same since. Nancy said she believes he has some dementia problems and when he drinks it makes it worse. She also said that while her back was turned to the kitchen she heard something fall to the ground and break. Once she turned around she saw that it was a marble cutting board that was sitting on the counter. She did not see Richard break it but assumed he did since he was the only other person in the house. Nancy said her daughter Janis Byrd 1/25/58 was on her way from Shelton to stay with her tonight.

On numerous occasions while trying to interview Nancy, Richard would open the sliding glass window to the deck and tell me that he did not want Deputy Gray walking around in his house. I told Richard that he was making sure no one else was in the house and that there were no weapons laying around. Deputy Gray then stepped outside with Richard on the deck to interview him.

I met with Deputy Gray. Deputy Gray said Richard told him that he placed his hands on Nancy's jaw and told her to calm down that its not that big of a deal. Richard told him that he has been drinking. While talking with Deputy Gray Richard came into the house and yelled at me and Deputy Gray to leave his home. I told him we were not leaving until we were finished investigating what has happened tonight. At that point he pointed his finger at me and told me to leave. I told him I was not going anywhere. Richard walked over to the front door and turned on the porch and hallway lights. He then told me to go outside. Again I told him no that he should just sit down and relax. Richard was visibly intoxicated by how he was stumbling around the room trying to walk and slurring his words.

Nancy's daughter Janis arrived. I asked her what their history was concerning the domestic violence. She said that since her father got into a vehicle accident that he has not been the same. That the violence has continued to escalate especially when he has been drinking. She said that he has also been assaultive towards other family members. Janis also mentioned that a few weeks ago Richard pointed a gun at her mom but apparently the gun was empty, so family

members helped place all the weapons in another location out of the home.

I asked Nancy if she was willing to do a audio statement concerning what had happened tonight and if she was willing to go to court and testify. Nancy said she was willing to do that.

I told Richard he was under arrest and to place his hands behind his back. Once I had his hands behind his back he tried to pull his arms away and turned to his left towards me. I then grabbed onto his left wrist and initiating a wrist twist arm bar placing him to the ground and placing wrist restraints on him. I escorted him to my patrol vehicle and searched him for weapons. I placed him in the back of my patrol vehicle and read him his Miranda Rights. He refused to answer me when I asked him if he understood his rights, he stated "I just want to talk to my wife".

Deputy Cotte took a picture of the marble cutting board that was broken (see cd for picture). Deputy Gray took the audio statement from Nancy (See cd with audio statement).

Forward to prosecutor:

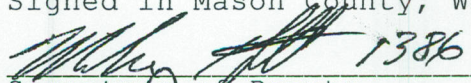
Law Enforcement position on release: Would the safety of an individual or the public be threatened if the suspect is released on bail or recognizance?
Yes [] No []

I declare under penalty of perjury under the laws of the State of Washington that the foregoing facts and attached arresting agency affidavit are true and correct to the best of my knowledge (RCW 9A.72.085) and I am entering my authorized user ID and password to authenticate it.

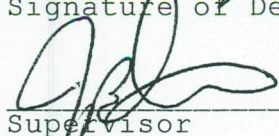
Dated: Sat Mar 31 22:41:56 PDT 2012

Name/Per#: M. Gettle 1386

Signed in Mason County, Washington by:

 1386

Signature of Deputy

 1049

Supervisor

RECEIVED

2012 APR -2 P 3: 22

MASON COUNTY
SHERIFF

NO CONTACT ORDER INSTRUCTION FORM

DEFENDANT **BYRD, RICHARD LLOYD**

ADDRESS

DATE OF BIRTH **10/06/1939**

CITATION NUMBER **CR15377**

DATE OF ISSUANCE

DATE OF EXPIRATION

TO BE ENTERED IN TO WACIC -

TO BE MODIFIED PER ATTACHED COURT ORDER

TO BE CANCELLED PER ATTACHED ORDER.

Dated this 2 day of APRIL , 2012

Sara

Clerk of the Court

RECEIVED
2012 APR -2 P 3: 24
MASON CO. DISTRICT CLERK
BY _____

Mason County District Court
419 N. 4th St. / P.O. Box 0
Shelton, WA 98584
(360) 427-9670, ext 339

CONDITIONS OF RELEASE/JUDGMENT AND SENTENCE

Case No. Charge Note
1. CR15377 assault 4th PuaNG
2. _____
3. _____

Defendant Byrd, Richard -
Date of Birth 10-6-39

Attorney Appointed: _____
Attorney Phone: _____

You must appear at all scheduled hearings or a warrant will issue for your arrest

Motion/Other: _____ Pre-Trial Conference: _____
Sentencing /Review: _____ Pre-Trial hearing: April 11, 2012 @ 8:30am
Show Proof hearing: _____ Readiness Hearing: May 4, 2012 @ 8:30am
(Defendant to bring proof of compliance) Tentative Trial date: _____

Conditions of: Release pending Court hearings Judgment & Sentence

- Released on personal recognizance. Post \$ 1000 bail, cash or bond prior to release.
- Keep the Court (and Probation) advised of your address, in writing.
- No Criminal violations of law or alcohol related infractions.
- Not drive a motor vehicle without a valid license and proof of insurance.
- Within 45 days, Show proof of:

- Alcohol/drug evaluation. (State Approved agency) Attend AA/NA _____ times per week.
- Anger management evaluation. Defensive / safe driving class.
- Certified Domestic Violence Offender Assessment. _____
- A mental health evaluation from a state licensed mental health provider.

Follow through with all recommended treatment within 14 days of evaluation.

File Proof of Timely Enrollment and Completion with the Court

- Do not use, possess or consume alcohol or non prescribed controlled drugs.
- Do not go to bars, taverns, cocktail lounges or parties where alcohol or drugs are served.
- Take monitored antabuse daily or provide medical proof that you are unable to do so within 3 days.
- All prior conditions remain in effect, unless modified herein.
- Comply with no contact order Do not use or possess firearms or other weapons
- Do not go on the property of and have no contact with _____.
- Pay warrant fee of \$ _____ to be paid today, \$ _____ monthly, starting the 15th of _____.
- Other _____
- Defendant Violated Probation by: _____.
- This crime involves a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.130.

The defendant is required to register with the county sheriff as described in the Offender Registration Attachment.

Dated 4/8/2012
[Signature]

[Signature]
Judge/Court Commissioner/Judge Pro-tem

Defendant's Signature
Defendant's address & telephone:

Prosecuting Attorney Bar #

Defendant's Attorney Bar #

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

State of WA
Plaintiff/Petitioner

vs.

Byrd, Richard L.
Defendant/Respondent

No. CR15377

ORDER DIRECTING OFFICER ASSISTANCE

IT IS HEREBY,

ORDERED, that the Mason County Sheriff's Department/Shelton Police Department shall assist in obtaining the personal belongings of the:

Defendant/Respondent, [] Petitioner, [] Other _____

at the address listed below.

301 E. Leeds Drive
Shelton WA 98584

The Sheriff's Department is not authorized to resolve any dispute over property ownership. Should there be any dispute as to ownership of property, said property shall not be removed without authorization from the appropriate court.

DONE IN OPEN COURT this 2 day of April, 2012

at 1:03 hours.

Wheeler
Judge

MASON COUNTY DISTRICT COURT

Name: BYRD, RICHARD

Case Number(s): CR15377

After reviewing the charging document and affidavit , the court has found there is probable cause to support the charge.

4/2/12
Date

Uweadw
Judge/ Court Commissioner

PROBABLE CAUSE FOUND

Mason County District Court
419 N. 4th St./ P.O. Box O
Shelton, WA 98584
(360) 427-9670 ext. 339

Advisement of Rights at Arraignment

Name: BYRD, RICHARD

Case Number(s): CR15377

You are charged with the following crime(s)
ASSAULT 4TH-DV

The maximum penalty is:

- 364 Days jail, \$ 5,000 fine on ct. _____
 90 days jail, \$ 1,000 fine on ct. _____
 Other: _____

You are **presumed innocent** of any crime charged, unless you plead guilty or are found guilty after a trial. The prosecutor has the burden of proving you are guilty, beyond a reasonable doubt.

You have the right to a **Public and Speedy trial by an Impartial Jury**, here in Mason County where the crime is alleged to have occurred. (Within 60 days if you are in custody on this charge, within 90 days if you are not in custody on this.)

You have the right to **Hear and Question Witnesses** who testify against you.

You have the right to **Call Witnesses to Testify on your Behalf**. They may be made to appear at no expense to you.


You have the right to **Remain Silent**, at this and all stages of the proceedings. That means you do not have to say anything about the offense and your silence cannot be used against you. However, you also have the right to **Testify on your own behalf**, if you wish to do so.

If you go to trial and are found guilty, you have the right to **Appeal** the guilty verdict. If you plead guilty, you give up each of the aforementioned rights.

In addition, you have the right to be represented by an **Attorney**. **If you cannot afford an attorney, and qualify, one will be appointed to represent you.** You will be asked to provide financial information to determine if you qualify.

It is also important for you to know that if you say anything about the crime charged, the prosecutor may use your statements against you in the trial.

I have read these rights, or had them read to me and I understand them.



Defendant's Signature

Date

Print Mailing Address

Defense Attorney

Print City/State/Zip

Interpreter

Phone Number

District Court of Washington
for the County of Mason

No. CR 15377

Domestic Violence
No-Contact Order
(Misdemeanor)
(clj = NOCON)
(superior cts = ORNC)

State of Washington Plaintiff

vs.

Byrd, Richard Defendant

SID:

If no SID, use DOB: 10-6-39.

- Pre-trial
- Post conviction
- Clerk's action required.

1. Based upon the certificate of probable cause and/or other documents contained in the case record, testimony, and the statements of counsel, the court finds that the defendant has been charged with, arrested for, or convicted of a domestic violence offense, and further finds that to prevent possible recurrence of violence, this Domestic Violence No-Contact Order shall be entered pursuant to chapter 10.99 RCW. This order protects (Name):

Byrd, Nancy - 1-19-40

2. The court further finds that the defendant's relationship to a person protected by this order is: current or former spouse parent of a common child current or former cohabitant as intimate partner other family or household member as defined in RCW 10.99.

3. (Pretrial order) The court makes the following findings pursuant to RCW 9.41.800: the defendant used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; the defendant previously committed an offense that makes him or her ineligible to possess a firearm under the provisions of RCW 9.41.040; or possession of a firearm or other dangerous weapon by the defendant presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

It is Ordered:

- This No-Contact Order expires on: April 2, 2014
- This No-Contact Order expires 2 years from today's date: _____

Defendant is **Prohibited** from:

- A. Causing or attempting to cause physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking the protected person(s).
- B. Coming near and from having any contact whatsoever, in person or through others, by phone, mail or any means, directly or indirectly, except for mailing or service of process of court documents by a 3rd party or contact by defendant's lawyers with the protected person(s).
- C. Entering or knowingly coming within or knowingly remaining within 1000 feet (distance) of the protected person(s)'s residence school workplace other: _____

This is subject to review if the protected party requests review & there is a written rec. from a certified DV counselor

- D. (Pretrial RCW 9.41.800 findings made) Obtaining or possessing a firearm, other dangerous weapon or concealed pistol license.
- (Conviction of offense listed in RCW 9.41.040(2)) Obtaining, owning, possessing or controlling a firearm.

Mason County Sheriff's Office Booking/intake Report

50974
941088370
12-05809
Adult Juvenile

Case Number: 12-04068

1. Methamphetamine Arrest? Yes No
2. Was the Subject Decontaminated? Yes No
3. If 'No' to question 2, was subject evaluated for decontamination? Yes No
4. Was the subject armed at the time of arrest? Yes No

RECEIVED
2012 APR -2 A 10:37

Last Name <u>BYRD</u>	First Name <u>RICHARD</u>	Middle <u>LLOYD</u>	Date of Birth <u>10-06-39</u>	Sex <u>M</u>
Address <u>301 E LEEDS DR</u>		City <u>SHELTON</u>	State <u>WA</u>	Zip <u>98584</u>
Arrest Location <u>301 E LEEDS DR</u>		Date/Time <u>3-31-12 2012</u>	Officer <u>GETTLE</u>	Agency <u>MCS</u>
Offense Location <u>301 E LEEDS DR</u>		Date/Time <u>3-31-12</u>	Bond <u>3-31-12 2035</u>	Date/Time Arrived at Jail <u>3-31-12 2035</u>
RCW Offense (1) <u>9A.36.041 ASSAULT 4 DV</u>		Court <u>Dist</u>	Cause Number <u>CR15377</u>	Bail Amount <u>\$1000.00</u>
RCW Offense (2)		Court	Cause Number	Bail Amount
RCW Offense (3)		Court	Cause Number	Bail Amount
RCW Offense (4)		Court	Cause Number	Bail Amount
RCW Offense (5)		Court	Cause Number	Bail Amount

Judges Finding of Probable Cause

Offense	Felony	Misdemeanor	Citation Issued		Number
			Yes	No	
#1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<u>CR15377</u>
#2	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	_____
#3	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	_____
#4	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	_____
#5	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	_____

I certify under penalty of perjury under the laws of the STATE OF WASHINGTON that I read the Affidavit of Officer GETTLE verbatim telephonically to Judge/Judge Pro Tem MEADOWS on 3-31-12 at 2325 am. I further certify that said Judge/Judge Pro Tem has authorized me to check the box(es) as checked below.

Officer Signature: [Signature]
Printed Name: MIKE GETTLE
Personnel No. 1386
at Shelton, Wa.

The foregoing affidavit establishes probable cause sufficient to detain the above named arrestee on the following offenses: 1- 2- 3- 4- 5-.

The foregoing affidavit does not establish probable cause sufficient to detain the above named arrestee on the following offenses: 1- 2- 3- 4- 5-.

I certify the above checked box(es) was(were) authorized telephonically by me on the date shown above.

MASON COUNTY SHERIFF'S OFFICE
DECLARATION OF PROBABLE CAUSE

Case Number:12-04068

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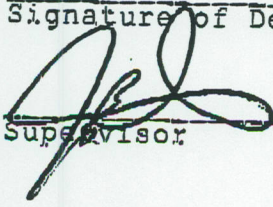
I declare under penalty of perjury under the laws of the State of Washington that the foregoing facts and attached arresting agency affidavit are true and correct to the best of my knowledge (RCW 9A.72.085) and I am entering my authorized user ID and password to authenticate it.

Dated: Sat Mar 31 22:41:56 PDT 2012

Name/Per#: M. Gettle 1386

Signed in Mason County, Washington by:

Signature of Deputy

 1089
Supervisor