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KING COUNTY
SUPERIOR COURT CLERK
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CASE NUMBER: 17-1-05734-3 KNT

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,)	
)	
)	Plaintiff,
)	
v.)	No. 17-1-05734-3 KNT
)	
NOE APARICIO,)	INFORMATION
)	
)	Defendant.
)	
)	
)	

I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse NOE APARICIO of the following crime[s]: **Burglary In The Second Degree**, committed as follows:

Count 1 Burglary In The Second Degree

That the defendant NOE APARICIO in King County, Washington, on or about July 16, 2017, did enter and remain unlawfully in a building, located at 23636 104 AV SE, Kent, in said county and state, with intent to commit a crime against a person or property therein;

Contrary to RCW 9A.52.030, and against the peace and dignity of the State of Washington.

DANIEL T. SATTERBERG
Prosecuting Attorney

By:



Dana E. Cashman, WSBA #21850
Senior Deputy Prosecuting Attorney

Daniel T. Satterberg, Prosecuting Attorney
CRIMINAL DIVISION
Maleng Regional Justice Center
401 4th Avenue North, Suite 2A
Kent, WA 98032-4429
(206) 205-7400 FAX (206) 205-7475

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CAUSE NO. 17-1-05734-3 KNT

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PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR
CONDITIONS OF RELEASE

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The State incorporates by reference the Certification for Determination of Probable Cause prepared by Officer Landon Meyer of the Kent Police Department for case number 17-10817.

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The State requests bail set in the amount of \$10,000.00, per CrR 2.2(b)(2)(i). This amount was set at first appearance. The defendant used a paint can to smash a window at a grocery store. He entered and stole beer and wine. It seems clear he has a substance abuse issue in light of the fact that he has a pending DUI in Seattle Municipal Court, and a pending MIP, Theft 3 (x2) in Kent Municipal Court. He claimed that employees had let him into the store on the night of this crime. The defendant also has a prior MIP (2016). He is not likely to respond to a summons.

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Signed and dated by me this 19th day of July, 2017.

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Dana E. Cashman, WSBA #21850
Senior Deputy Prosecuting Attorney

Prosecuting Attorney Case
Summary and Request for Bail
and/or Conditions of Release - 1

Daniel T. Satterberg, Prosecuting Attorney
CRIMINAL DIVISION
Maleng Regional Justice Center
401 4th Avenue North, Suite 2A
Kent, WA 98032-4429
(206) 205-7400 FAX (206) 205-7475

CAUSE NO.

CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

That Landon Meyer is a Detective with the Kent Police Department and has reviewed the investigation conducted in Kent Police Department case number #17-10817

There is probable cause to believe that **NOE APARICIO (DOB 08/30/1997)** committed the crime(s) of: **RCW 9A.52.030 BURGLARY IN THE SECOND DEGREE**

This belief is predicated on the following facts and circumstances: **On 7/16/2017 at approximately 0040 hrs, Kent Police were dispatched to the area around McLendon Hardware, located at 23662 104 Ave SE in the City of Kent, County of King, for a report of a suspicious subject. A reporting caller had reported a "Hispanic male" suspect was possibly trying to rob a store and the caller appeared to be in distress. The "store" was identified as the Save-U-More grocery store located at 23636 104 Ave SE. The reporting caller to 911, later identified as Ashkan Alasvand, reported alarms were going off inside the Save-U-More and the male suspect was possibly inside. Ashkan Alasvand described the suspect as a Hispanic male with long black hair and wearing blue jeans with no shirt.**

Ofc Richardson of the Kent Police Department arrived on scene and saw a Hispanic male with long black hair, no shirt and blue jeans walking west through the Save-U-More parking lot. Ofc Richardson observed that the suspect was carrying two large four liter bottle jugs of Carlo Rossi white wine. Ofc Richardson advised other Kent Patrol units arriving in the area of the suspects direction of travel. The suspect then dropped the glass bottles and began to run west, across 104 Ave SE.

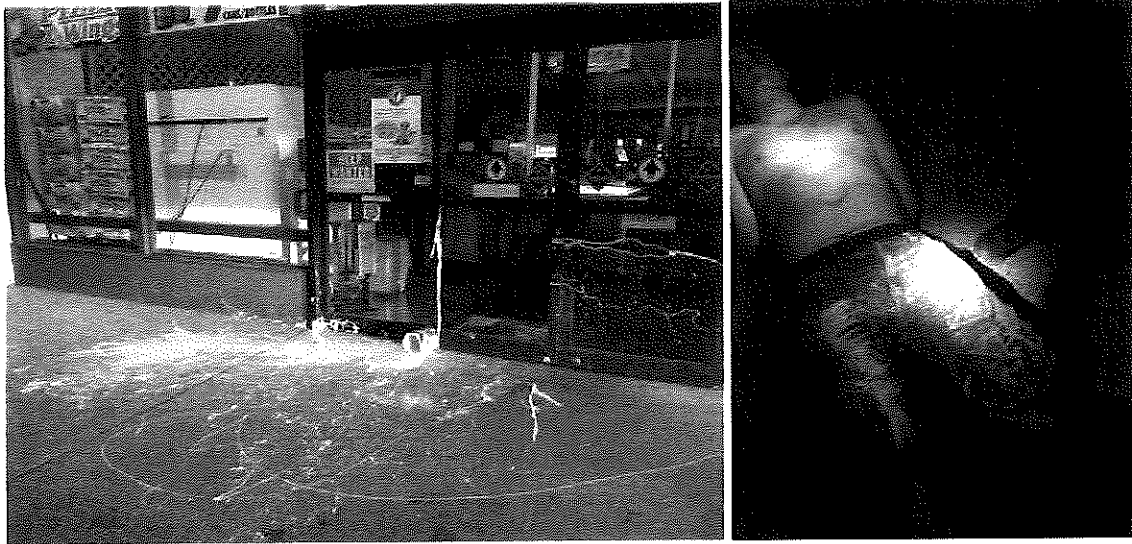
Ofc Brennan of the Kent Police Department was arriving in the area when he saw the same suspect Ofc Richardson had observed, run west across 104 Ave SE. Ofc Brennan's emergency lights and siren were activated at this time and he attempted to stop the fleeing suspect, continuing to follow him as he ran west. Ofc Brennan followed the suspect in his patrol car to the area of Benson Pizza 23623 104 Ave SE. The suspect entered the alley to the west of Benson Pizza, and Ofc. Brennan advised he was now in a foot pursuit with the suspect, running northbound through the alley. Other Kent Patrol units were able to position themselves at the north end of the alley, cutting off the suspects escape. Ofc Corner and Ofc Brennan were able to physically stop the suspect and detain him in handcuffs. Ofc Brennan was able to visually identify the suspect as **NOE APARICIO (DOB 08/30/1997) based on his previous police contacts with the same individual. Ofc Brennan read Noe Aparicio Miranda Warnings which Noe acknowledged and waived. Noe Aparicio told Ofc Brennan he had been inside Save-U-More after "employees" had let him in. Ofc Brennan noted Noe Aparicio had a large amount of white paint on his pants as well as the soles of his shoes.**

While Ofc Brennan detained Noe Aparicio, Ofc Richardson contacted the original caller to 911, Ashkan Alasvand. Ashkan stated he and two friends, Mohammad Y. Seifpour and Sahar Seifpour, had been in the parking lot returning a U-Haul van to the Save-U-More parking lot. While they were parked in the parking lot, they saw a Hispanic male break into the Save-U-More store, enter, and then exit carrying a load of alcoholic beverages. The suspect then returned to the store several times for more alcohol. Ashkan Alasvand was able to direct Ofc Richardson to the area they saw the suspect stashing the alcohol he was

bringing out of the Save-U-More. Five of beer and three bottles of wine were recovered in the parking lot. Ashkan, Mohammad and Sahar all independently participated in an in-field show up in which they all positively identified Noe Aparicio as being the same individual they had seen inside the Save-U-More store.


Ofc Brennan inspected the front door of the business and noted the bottom glass panel of one of the doors had been kicked in and was lying on the floor just inside the doorway. Ofc Brennan also noted wet white paint was spilled all over the ground in front of the doorway. Ofc Brennan saw white footprints leading into the store and to the alcohol aisle of the store where beer and wine are stored. The shoe pattern in the white footprints exactly matched the shoe soles Noe Aparicio were wearing at the time of his arrest.

On 7/17/2017, Detective Meyer of the Kent Police Department contacted the manager of the Save-U-More, Chuck Porter. Chuck was able to show Detective Meyer the video surveillance video from the previous night. In the video playback, Detective Meyer observed an individual he immediately recognized as Noe Aparicio from pictures taken at the time of his arrest. IN the video, Noe Aparicio is clearly seen throwing a gallon paint bucket at the door of the store until the glass shattered and the paint bucket opened and spilled all over the ground. Noe Aparicio is then seen entering the store, proceeding to the alcohol aisle and removing several packages from the store before returning several times to remove more alcohol.



The aforementioned occurred within the City of Kent, County of King and State of Washington.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 18 day of July, 2017, at the City of Kent, King County, Washington.

 / 257043

Detective Landon Meyer #257043
Certification for Determination
of Probable Cause

Dan Satterberg
Prosecuting Attorney
W.554 King County Court
Seattle, Washington.

FILED
KING COUNTY WASHINGTON

JUL 24 2017

SUPERIOR COURT CLERK
BY Theresa Sorenson
DEPUTY

SUPERIOR COURT OF THE STATE OF WASHINGTON, COUNTY OF KING

STATE OF WASHINGTON

Plaintiff

No. 17-1-05734-3 KNT

vs.

**CONDITIONS OF RELEASE FOR
DEFENDANT**

NOR APARICIO, Defendant.

(ORECRP) Clerk's Action Required

IT IS HEREBY ORDERED that the above-named defendant shall be released from the King County Jail and is ordered to appear personally for court hearings and for trial. This release is on the following conditions until further order of the court:

- On personal recognizance.
- On personal recognizance on condition that the defendant report to
 - Community Center for Alternative Programs (CCAP) Basic and follow Conditions of Conduct
 - Community Center for Alternative Programs (CCAP) Enhanced and follow Conditions of Conduct.
- On execution of a surety bond or other surety or cash in the amount of \$ _____
- On execution of a surety bond or other surety in the amount of \$ _____ or
on posting of cash in the amount of \$ _____
- Work Education Release (WER) and follow Conditions of Conduct
 - if bond is posted.
- Electronic Home Monitoring (EHM) and follow Conditions of Conduct
 - if bond is posted.
- On condition: _____

In addition to the above conditions, defendant is not to leave the State of Washington without specific approval by court order and shall commit no crimes.

Dated: 7.24.17

Cheryl B. Carey
JUDGE
Cheryl B. Carey

STATEMENT BY DEFENDANT:

My address and telephone number will be (206) 661-1291
10837 12th Ave SW 98146 Seattle, WA

I HAVE READ THIS ORDER. I understand that if I violate conditions of release, I can be arrested and punished for contempt of court. If I fail to appear for court hearings, I will be committing an additional crime of bail jumping as defined in RCW 9A.76.170.

NOR APARICIO
Defendant

Presented by [Signature]
Attorney for defendant 36371

Approved as to form:

Deputy Prosecuting Attorney

Conditions of Release for Defendant 2/2017

Original- Clerk's Office
Copy- Jail
Copy- Defendant

FILED
KING COUNTY WASHINGTON

JUL 24 2017

SUPERIOR COURT CLERK
BY Theresa Sorenson
DEPUTY

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

STATE OF WASHINGTON,

Plaintiff

vs.

NOE APARICIO

Defendant

NO. 17-1-05734-3 KWT
BA NO.
CCN NO.

Conditions of Conduct for Persons Ordered
by the King County Superior Court into the
Community Center for Alternative
Programs, (CCAP) Enhanced

(ORDTLRA)

The following are court imposed conditions of conduct for participation in the King County Community Center for Alternative Programs (CCAP). Compliance with these conditions of conduct shall be monitored by the King County Department of Adult and Juvenile Detention (DAJD), Community Corrections Division, as specified herein by the court. Your continued participation in CCAP is subject to strict compliance with the following:

You have been ordered to CCAP, Enhanced

1. You shall report to the Community Center for Alternative Programs by 9:00 AM on 7/25 and report each weekday Monday through Friday thereafter. You shall remain on the premises until discharged by department staff. CCAP is located at 400 Yesler Way, Seattle. Enter the Yesler Building on Terrace Avenue which is the north side of the building. Failure to comply with this condition will result in your removal from CCAP and court ordered incarceration into secure confinement.
2. You shall commit no crimes. Department staff shall monitor bookings into the King County Correctional Facility (KCCF) and the Regional Justice Center (RJC) for violations of any local, state or federal law or court order. Any booking into the King County Correctional Facility or the Regional Justice Center will result in your removal from CCAP and court ordered incarceration into secure confinement.

3. **You shall not purchase, possess or use controlled substances without a valid prescription and shall not consume alcohol beginning from the date of this order.** Any use of controlled substances, other than as prescribed by a physician, will be considered a violation. You will submit to urinalysis testing as ordered, including a baseline urinalysis to determine the levels of THC within 5 days of beginning participation at CCAP and if the THC level does not decrease in your next urinalysis test, this will be considered a violation. You shall submit to random urinalysis and breathalyzer testing as directed by department staff 1 or 2 times every 30 days. Violation of this condition or failure to submit to testing on demand will result in removal from CCAP and court ordered incarceration into secure confinement.
4. **You shall obtain the treatment evaluation(s) checked below. If you are determined as needing treatment, you shall enter at the next available opening and maintain reasonable progress in the recommended treatment program. You shall provide a Release of Information to department staff to verify your compliance.** Department staff shall contact the therapy and treatment providers 1 or 2 times every 30 days to verify compliance beginning 21 days from the date of this order. If you are ordered to enter an education program, you must begin immediately and make reasonable progress in such education program. Failure to comply with this condition will result in your removal from CCAP and court ordered incarceration into secure confinement.
- Drug/Alcohol**
 CCAP Domestic Violence Education Program (Pre-trial)
 Mental Health
 All treatment as ordered in the Judgment and Sentence and any modification orders.
 Other _____
5. **You shall attend all CCAP programs and all CCAP caseworker appointments.** You will be given a schedule on the first day of programming which specifies dates and times of your CCAP programs and CCAP caseworker contacts. In addition to the schedule, CCAP staff may set additional meetings that you are required to attend. Unexcused absences will result in removal from CCAP and court ordered incarceration into secure confinement. Three written warnings in a 30 day period for being less than 60 minutes late will result in your removal from CCAP and incarceration into secure confinement. One incident of being 60 minutes late or more will result in your removal from CCAP and court ordered incarceration into secure confinement.
6. **You shall not forge a document or provide false information to department staff.** Such activity, if actually known to department staff, will result in removal from CCAP and court ordered incarceration into secure confinement.
7. **You shall participate in CCAP programs as directed, complete program assignments and follow department staff directions while participating in CCAP. You shall not behave in a threatening, assaultive or harassing manner.** Failure to comply as directed by department staff will result in written notification to the Prosecuting Attorney and the Defense Attorney. Failure to comply also may result in your removal from CCAP and court ordered incarceration into secure confinement.
8. **You shall notify department staff prior to making a change in your residence. You shall keep department staff notified at all times of your current telephone number.**

If this order is entered as conditions of a sentence, this order is incorporated by reference into the Judgment and Sentence.

DONE IN OPEN COURT this 24 day of July 2017.

Cheryl Carey
Cheryl B. Carey JUDGE

I, NDE APARICIO have read, or have had read to me, the above court-ordered conditions of conduct for participation in the Community Center for Alternative Programs under the Department of Adult and Juvenile Detention, Community Corrections Division. I understand what is required of me for participation in this program and agree to abide by the conditions as stated herein. I also understand that it is my sole responsibility to comply with these conditions of conduct and that if I fail to comply, with any of these conditions, I may be immediately returned to incarceration in secure confinement. If I am placed in secure confinement as a result of violating this order, I may request a hearing before the court.

Signature of Defendant NDE APARICIO Dated 7.24.17.

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 CCAP Conditions of Conduct Order for the defendant from English in that language.

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

Interpreter
Signature _____ Dated _____

Minute No: 23

CLERK'S MINUTES - Criminal Arraignment Calendar

SCOMIS ARRAIGN HCNTU MTHRG DSMHRG HSTKIC

Judge	CAREY, CHERYL	Date	7/24/2017
Clerk	THERESA SORENSON	DR	GA
DPA	Gabrielle Charleton	Start Time	9:33:00
Interpreter		Court Reporter	

King County Cause No: 171057343 KNT STATE vs APARICIO, NOE

Reason		AKA	
DPA Unit		DOB	8/30/1997
ATD	NANCY J. MATTSON	CCN	1946804
Defendant Present	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Custody Status	IN CUSTODY
Charge(s)	1 Burglary In The Seco	Commence Date	7/31/2017
Jail Location	RR--051L	60 Day Date	09/29/2017
Bail Amount	\$10,000.00	90 Day Date	10/29/2017
Bond Company		Current Bail Type	
		Bond Confirmed	<input type="checkbox"/> Yes <input type="checkbox"/> No

- Defendant is arraigned and enters a plea of NOT GUILTY Objection Noted Yes No
- Case Setting Date 08/07/2017 No Contact Order entered
- Defendant's motion to reduce bond Denied Reserved Granted PR \$0.00
- On Basic CCAP Enhanced CCAP EHD Enhanced WER
- State's motion for bench warrant for Defendant Denied Granted \$0.00
- Order(s) Signed/Order(s) to be presented
- State's motion to dismiss this cause as to this Defendant Denied Granted
- State Defense motion for Stay of Proceedings, and Continuance to
-

Agreed Findings of Fact Conclusions of Law and order are signed

Return Date is

Order Sealing document is signed