

**FILED**  
KING COUNTY WASHINGTON

JAN 13 2010

SUPERIOR COURT CLERK  
**BY DAWN TUBBS**  
DEPUTY

COPY TO COUNTY JAIL JAN 14 2010

CERTIFIED COPY TO WARRANTS JAN 14 2010

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, )

Plaintiff, )

No. 06-1-10363-3 SEA

vs. )

JAMES SIMMONS, )

MOTION AND CERTIFICATION  
AND ORDER OF DISMISSAL

Defendant. )

COMES NOW Daniel T. Satterberg, Prosecuting Attorney for King County, Washington, by and through his deputy, and moves the court for an order per CrR 8.3(a) dismissing the above-entitled cause as to the above-named defendant for the reasons set forth in the certification of the undersigned deputy prosecuting attorney.

That Daniel J. Clark is a deputy prosecuting attorney in and for King County, Washington, and is familiar with the records and files herein:

After the defendant filed a Motion to Vacate on 12-12-09, the King County Prosecuting Attorney's Office consulted with the King County Sheriff's Office about specific findings they made on December 4, 2007 about the arresting officer. Despite the fact that these findings were made over 3 months after the conclusion of the above defendant's trial, the State does not believe that the continued prosecution of this case is in the interest of justice. The officer was terminated on December 14, 2007.

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 13 day of January, 2010, at Kent, Washington.

  
Deputy Prosecuting Attorney

MOTION AND CERTIFICATION AND ORDER OF  
DISMISSAL - 1

Daniel T. Satterberg, Prosecuting Attorney  
W554 King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104  
(206) 296-9000, FAX (206) 296-0955

ORIGINAL

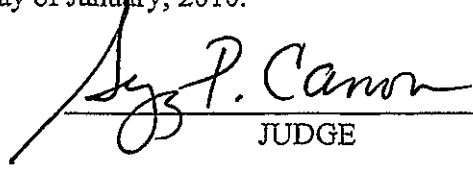
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ORDER

IT APPEARING from the motion and certification that the ends of justice do not warrant further proceedings in this matter; now, therefore,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the above-entitled cause as to the above-named defendant be, and the same hereby is, dismissed with prejudice.

DONE IN OPEN COURT this 13<sup>th</sup> day of January, 2010.

  
\_\_\_\_\_  
JUDGE

Presented by:

  
\_\_\_\_\_  
Deputy Prosecuting Attorney 26338