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09 DEC 16 PM 12:01 KING COUNTY 1 SUPERIOR COURT CLERK E-FILED 2 CASE NUMBER: 09-1-07515-4 SEA 3 4 5 6 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY 7 THE STATE OF WASHINGTON, Plaintiff, 8 No. 09-1-07515-4 SEA v. 9 RODNEY DEAN JAMES, **INFORMATION** 10 11 Defendant. 12 COUNT I 13 I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse RODNEY DEAN JAMES of the crime of 14 Vehicular Assault, committed as follows: 15 That the defendant RODNEY DEAN JAMES in King County, Washington, on or about December 12, 2009, did drive or operate a vehicle while under the influence of intoxicating 16 liquor or any drugs, as defined by RCW 46.61.502, and caused substantial bodily harm to Jason Wong; 17 Contrary to RCW 46.61.522(1)(b), and against the peace and dignity of the State of 18 Washington. 19 And I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington further do accuse the defendant RODNEY DEAN JAMES 20 further do charge that the injuries of the victim of the current offense substantially exceeded the level of bodily harm necessary to satisfy the elements of the crime, under the authority of RCW 21 9.94A.535(3)(y) 22

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COUNT II

And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse RODNEY DEAN JAMES of the crime of **Vehicular Assault**, a crime of the same or similar character as another crime charged herein, which crimes were part of a common scheme or plan and which crimes were so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the other, committed as follows:

That the defendant RODNEY DEAN JAMES in King County, Washington, on or about December 12, 2009, did drive or operate a vehicle while under the influence of intoxicating liquor or any drugs, as defined by RCW 46.61.502, and caused substantial bodily harm to Wah Wong;

Contrary to RCW 46.61.522(1)(b), and against the peace and dignity of the State of Washington.

DANIEL T. SATTERBERG Prosecuting Attorney

Amy J. Freedheim, WSBA #19897 Senior Deputy Prosecuting Attorney

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

CAUSE NO. 09-1-07515-4 SEA

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

The State incorporates the Certification for Determination of Probable Cause signed by Seattle Police Detective Mark Smithers in incident #09-428011.

On Saturday evening, December 12, 2009, the Wong family drove into their driveway in Seattle. As 60yO Salina Wong turned the motor off, her 67yO husband, Wah Wong, and her 22yO son, Jason Wong, stood at the truck taking out luggage.

The defendant, 50yO Rodney D. James, was driving his Corvette. He was speeding and failed to negotiate the road and lost control of his car. It flew off the road and onto the Wong's driveway and slammed into the rear of the Wong car. Wah and Jason Wong suffered crushing injuries. Jason Wong has had to have his left leg partially amputated and has a serious right foot fracture. Wah Wong suffered several fractures to his face, neck, and leg, a lacerated spleen, and a head injury. Both men face multiple surgeries. Ms. Wong suffered a large head laceration.

Responding police contacted the defendant who admitted being the driver. They noted several signs that he was impaired. His passenger seat area had several unopened beer cans. After an evaluation by a Drug Recognition Expert (DRE) officer, a legal blood draw was done two hours after the crash. The results are pending, but a portable breath test (PBT) showed an alcohol level of .16g/100mL. The DRE observed many signs of impairment and even the defendant stated that he knew he was "in trouble" during the Field Sobriety Tests.

REQUEST FOR BAIL

The State requests that the bail amount be raised to \$250,000 (First Appearance order was \$150,000). Additional conditions include no use or possession of alcohol, no entering any business where alcohol is the primary commodity for sale, use of a transdermal alcohol sensing device, no driving without a valid license, insurance, and proof of an ignition interlock device (set at .02), no moving violations, and no contact with the Wong family.

The defendant is currently on a suspended sentence for an **reckless driving** (**amended from driving under the influence**) that was sentenced on 1/21/09 in King County District Court #C0707630 before J. Chow, his other known criminal and moving history includes **NVOL** (7/3/08), **DWLS**(5/9/03), and **speeding** (7/3/08). His currently known out-of-state history includes a Fresno, CA **VUCSA** (8/2/1990) and a Graterford, PA **Escape-county prison** (1/28/1981). Graterford is Pennsylvania's largest maximum security prison.

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1	Despite very recently completing a DUI-victim panel and Alcohol Information School out
2	of the prior offense, the defendant continues to drive impaired and now has maimed a young man. He is a great danger to the community and ought to be considered a flight risk.
3	
4	Signed this day of December, 2009.
5	21/200/
6	Amy I/ Freedheim, WSBA #19897
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Prosecuting Attorney Case Summary and Request for Bail and/or Conditions of Release - 2

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CONTINUATION SHEET

GENERAL OFFENSE # 2009-428011

09-1-07515-4 SEA

CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE:

ORIGINAL

That Mark Smithers is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case number 2009-428011. There is probable cause to believe that Rodney Dean James, WM 11/29/1959, committed the crime of Vehicular Assault. This belief is predicated on the following facts and circumstances.

On 12/12/2009 at about 1903 hours, victims Wah and Jason Wong were unloading luggage from the trunk of their car (vehicle #2), in the driveway at their residence located at 1721 S Colombian Wy. Victim Salina Wong was seated in the driver's seat of vehicle #2, turning the car off and removing the keys from the ignition. At this same time, suspect Rodney James was driving his 1998 Chevrolet Corvette (vehicle #1) eastbound in the 1700 block of S Colombian Wy. Suspect James later would state that he had been eastbound on S Snoqualmie St, at the stop sign at S Colombian Wy, and then "punched it". As suspect James was eastbound in the 1700 block of S Colombian Wy, he lost control of vehicle #1. Vehicle #1 began yawing or rotating clockwise to the right. This yaw continued to get worse as vehicle #1 left the right side of the roadway and slid across an area of gravel, across the sidewalk, and then into the driveway of 1721 S Colombian Wy. Vehicle #1 struck Wah and Jason Wong before striking the back end of vehicles #2 and #3. This impact knocked vehicle #2 forward over 7-feet where it then hit the house. Vehicle #3 was knocked 1.25 feet forward.

The impact injured Jason Wong's lower left leg severe enough to require that doctors amputated it below the knee. Jason's right foot was fractured and had ligament damage as well. Wah Wong's lower left leg was fractured, he had facial and neck fractures, a spleen laceration, and a laceration to his scalp. Salina Wong, who was seated in vehicle #2 at the time of this collision, suffered a laceration behind her left ear that required 8 stitches, bruising to her hip area, and various pain throughout her body.

Officer Jenkins arrived at the scene and observed suspect James standing next to vehicle #1. Suspect James told Officer Jenkins that he was driving vehicle #1 eastbound on S Snoqualmie St, turned right onto S Colombian Wy, accelerated, the accelerator stuck, and he lost control. Officer Jenkins observed unopened cans of beer inside vehicle #1.

Officer J. Stone arrived at the scene and contacted suspect James who was standing next to vehicle #1. Suspect James had difficulty remembering his correct phone number and correct address as Officer Stone attempted to gather this information. Officer Stone asked him how this collision occurred. Suspect James stated that he was eastbound on S Snoqualmie St, looked left and right, and the "punched it". Suspect James advised Officer Stone that he thought he was going 25 mph when he "punched it". Officer Stone observed unopened cans of beer inside vehicle #1.

Officer B. Caille arrived at the scene. Officer Caille advised suspect James of his Miranda rights. Officer Caille questioned suspect James about how this collision occurred. Suspect James advised that he was eastbound on S Snoqualmie St, turned right onto S Colombian Wy, accelerated into the turn, the throttle stuck, he applied brakes, the car spun around, he saw the pedestrians, and then his vehicle collided into the rear of a parked car. (Det. Smithers depressed the accelerator and brake pedals with his hand, during the scene investigation, and the pedals moved freely. No defect was observed with the pedals.)

Officer E. Michl arrived at the scene to screen suspect James for impairment or intoxication. Officer Michl is a certified Drug Recognition Expert. Officer Michl detected an odor of alcohol on Jame's breath. Suspect James had difficulty performing and remembering some of the Field Sobriety Tests. Suspect James provided a breath test into Officer Michl's PBT at the scene. The PBT result of this breath test was 0.16 BAC. Officer Michl placed suspect James under arrest obtained a blood draw at HMC. Suspect James' blood was analyzed at the Washington State Toxicology Laboratory. The result of the preliminary blood analysis was not ready yet, as of 12/15/2009 at 1015 hrs.

Page 2 of 6

CONTINUATION SHEET

GENERAL OFFENSE #	
2009-428011	
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Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true ar	nd
correct to the best of my knowledge and belief. Signed and dated by me this	
DECEMBER 2009, at Seattle, Washington.	
Want of frither 4826	

Page 3 of 6

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