

STANDARD TORT CLAIM FORM

General Liability Claim Form #SF 210

Pursuant to Chapter 4.92 RCW, this form is for filing a tort claim against the state of Washington. Some of the information requested on this form is required by RCW 4.92.100 and may be subject to public disclosure.

PLEASE TYPE OR PRINT CLEARLY IN INK

Mail or deliver Department of Enterprise Services
original claim to Office of Risk Management
 1500 Jefferson Street SE
 MS 41466
 Olympia, Washington 98504-1466
 Fax: 360-407-8022
 Email: WashingtonStateTortClaimE-Filing@des.wa.gov

Business Hours: Monday – Friday 8:00 a.m. – 5:00 p.m.
 Closed on weekends and official state holidays.

1. Claimant's name: Medina-Gonzalez Veronica 08/29/1977
 Last name First Middle Date of birth (mm/dd/yyyy)
2. Inmate DOC number (if applicable): _____
3. Current residential address: 9927 Sunny Drive NE, Moses Lake WA 98837
4. Mailing address (if different): _____
5. Residential address at the time of the incident: _____
 (if different from current address)
6. Claimant's daytime telephone number: (509) 793-3288
 Home Business or Cell
7. Claimant's e-mail address: babyjordan509@gmail.com
8. Date of the incident: 05/26/2015 Time: 12:04 a.m. p.m. (check one)
 (mm/dd/yyyy)
9. If the incident occurred over a period of time, date of first and last occurrences:
 from _____ Time: _____ a.m. p.m.
 (mm/dd/yyyy) (mm/dd/yyyy)
 to _____ Time: _____ a.m. p.m.
 (mm/dd/yyyy) (mm/dd/yyyy)
10. Location of incident: WA Spokane County; Spokane; 3400 N Monroe Street
 State and county City, if applicable Place where occurred

11. If the incident occurred on a street or highway:

Name of street or highway	Milepost number	At the intersection with or nearest intersecting street
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12. State agency or department alleged responsible for damage/injury:

Washington State Department of Corrections

13. Names, addresses and telephone numbers of all persons involved in or witness to this incident:
See attached supplemental sheets.

14. Names, addresses and telephone numbers of all state employees having knowledge about this incident:

Objection. This information is not required by statute. See RCW 4.92.100. Without waiving same, see attached supplemental sheets.

15. Names, addresses and telephone numbers of all individuals not already identified in #13 and #14 above that have knowledge regarding the liability issues involved in this incident, or knowledge of the Claimant's resulting damages. Please include a brief description as to the nature and extent of each person's knowledge. Attach additional sheets if necessary.

Objection. This information is not required by statute. See RCW 4.92.100. Without waiving same, see attached supplemental sheets.

16. Describe the cause of the injury or damages. Explain the extent of property loss or medical, physical or mental injuries. Attach additional sheets if necessary.

See attached supplemental sheets.

17. Has this incident been reported to law enforcement, safety or security personnel? If so, when and to whom? Please attach a copy of the report or contact information.

Yes. Spokane Police Department. See attached Detailed History for Police Event #15-173057.

18. Names, addresses and telephone numbers of treating medical providers. Attach copies of all medical reports and billings.

Objection. This information is not required by statute. See RCW 4.92.100. Without waiving same, Mr. Medina was pronounced deceased at the scene.

19. Please attach documents which support the allegations of the claim.

20. I claim damages from the state of Washington in the sum of \$ 5,000,000.00.

This Claim form must be signed by the Claimant, a person holding a written power of attorney from the Claimant, by the attorney in fact for the Claimant, by an attorney admitted to practice in Washington State on the Claimant's behalf, or by a court-approved guardian or guardian ad litem on behalf of the Claimant.

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

Signature of Claimant

Or

Signature of Representative

Christopher M. Davis, Esq.

Print Name of Representative

Date and place (residential address, city and county)

2/25/2016 Seattle, WA

Date and place (residential address, city and county)

23234

Bar Number (if applicable)

**CLAIM FOR DAMAGES FORM State of Washington – RCW 4.92.100
(Supplemental Sheets)**

Question No. 12: Names, addresses, and telephone phone numbers involved in or witness to this incident.

<u>Witness</u>	<u>Knowledge</u>
Jeremiah A. Smith a/k/a Glenn Akers	This person was released by DOC. He was known by DOC to be a violent and high risk offender. This person caused the first-degree murder of Medina.
Anthony M. Baumgarden 13110 N Addison, Apt G403 Spokane, WA 99208 (509) 326-2541	This person is the owner of Northwest Accessories (NWA) and was present at the time of the murder.
Lieutenant Dean Sprague Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100	This police officer was in the area and observed and stopped a vehicle leaving the area with Medina in the backseat.
Ruben Flores (address to be supplemented)	This person witnessed the murder.
Juan Cervantes (address to be supplemented)	This person witnessed the murder.
Shane Zornes 2125 W Boone Spokane, WA 99201	This person witnessed the murder.
Ruben Marmolejo 626 S Harborview Street Moses Lake, WA 98837	This person witnessed the murder.
Vatsana Muongkhoth (address to be supplemented)	This person is the girlfriend of Marmolejo may have information regarding the murder.
Bobbi Stuhlmiller 11910 E Broadway #29 Spokane Valley, WA 99206	This person is the girlfriend of Smith may have information regarding the whereabouts of Smith after the murder.

(509) 280-2971	
Brittany Morgan Verzal 2408 N Dakota Spokane, WA 99207 (425) 922-9620	This person may have information regarding the whereabouts of Smith after the murder.
Christopher Helm 1034 W Cora Spokane, WA 99205	This person may have information regarding the murder.
Jeremy Taylor (address to be supplemented)	This person may have information regarding the murder.
Dr. John Howard Spokane County Medical Examiner's Office 5901 N Lidgerwood Street Spokane, WA 99208 (509) 477-2296	This person performed the autopsy of Medina.
Detective Kip Hollenbeck #240 Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100	This police officer assisted in investigating the murder.
Officer Ryan Snider #486 Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100	This police officer assisted in investigating the murder.
Officer Jeremy Taylor Washington State Department of Corrections 7345 Linderso Way SW Tumwater, WA 98501 (360) 725-8213	This police officer assisted in investigating the murder.
Detective Devin Presta #446 Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100	This police officer assisted in investigating the murder.

<p>Detective Richmond Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100</p>	<p>This police officer assisted in investigating the murder.</p>
<p>Detective Hensley Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100</p>	<p>This police officer assisted in investigating the murder.</p>
<p>Detective Paul Lebsock #352 Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100</p>	<p>This police officer assisted in investigating the murder.</p>
<p>Forensics Melissa Schaal Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100</p>	<p>This witness assisted in investigating the murder.</p>
<p>Forensics Lori Preuninger Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100</p>	<p>This witness assisted in investigating the murder.</p>
<p>Officer Daniel Lesser #452 Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100</p>	<p>This police officer assisted in investigating the murder.</p>
<p>Officer Chris Johnson #966 Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100</p>	<p>This police officer assisted in investigating the murder.</p>

Officer Nathanael Gobble #1147 Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100	This police officer assisted in investigating the murder.
Lt Dean Sprague #093 Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100	This police officer assisted in investigating the murder.
Officer Chris Conrath #1106 Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100	This police officer assisted in investigating the murder.
Officer Christopher Benesch #1220 Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100	This police officer assisted in investigating the murder.
Officer Blaine Kakuda #443 Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100	This police officer assisted in investigating the murder.
Officer Jeremy McVay #923 Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100	This police officer assisted in investigating the murder.
Corporal Matt Rose #916 Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100	This police officer assisted in investigating the murder.
Detective Brian Cestnik #528 Spokane Police Department 1100 W Mallon Avenue	This police officer assisted in investigating the murder.

Spokane, WA 99260 (509) 625-4100	
Detective Neil Gallion #364 Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100	This police officer assisted in investigating the murder.
Detective Jeff Barrington #295 Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100	This police officer assisted in investigating the murder.
Sgt Zach Storment #648 Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100	This police officer assisted in investigating the murder.
Officer Jeremy Daniel #767 Spokane Police Department 1100 W Mallon Avenue Spokane, WA 99260 (509) 625-4100	This police officer assisted in investigating the murder.
Robert Westinghouse, Esq. Carl Blackstone, Esq. Law Office of Yarmuth Wilsdon 818 Stewart St # 1400 Seattle, WA 98101	These individuals are attorneys that have been hired by the State of Washington to conduct an investigation into the DOC's early release of thousands of prisoners since the year 2002. These individuals have knowledge that is detailed extensively in their final Investigative Report dated 02/25/2016 (a copy of the report is attached).

Question No. 13: Names, addresses, and telephone phone numbers of all state employees having knowledge about this incident.

<u>Witness</u>	<u>Knowledge</u>
Ronda Larson, Esq. Asst. Attorney General	This person advised DOC in 2012 that it did not need to manually (and accurately)

<p>Attorney General's Office of WA Corrections Division PO Box 40116 Olympia WA 98504-0116</p>	<p>calculate the release date for prisoners when the Department knew that a software malfunction was allowing hundreds or thousands of prisoners to be released too early (see Ms. Larson's attached emails to DOC).</p>
<p>Various DOC employees and representatives, including but not limited to:</p> <p>Dan Pacholke, Secretary Wendy Stigall Elaine K. Downey Kathy Gastreich Denise H. Doty Ira Feuer</p>	<p>These current and/or former DOC employees knew that the Department's computer sentencing program (called OMNI) was erroneously calculating the early release date for hundreds of prisoners. These individuals did not immediately fix the problem, but in fact allowed the problem to exist for several years before inmate Jeremiah A. Smith was released too early and then allowed to kill Ceasar Medina when Mr. Smith should have been incarcerated.</p>
<p>Governor Jay Inslee Office of the Governor for the State of Wash. 416 14th Avenue Southwest Olympia, WA 98504 (360) 902-4111</p>	<p>Governor Inslee may have knowledge concerning the DOC's sentencing error and why DOC refused to fix the error over a period of several years.</p>

Question No. 14: Names, addresses, and telephone phone numbers of all individuals not already identified in #12 and #13 above that have knowledge regarding the liability issues involved in this incident, or knowledge of the claimant's resulting damages. Please include a brief description as to the nature and extent of each person's knowledge. Attach additional sheets if necessary.

Witness

Veronica Medina-Gonzalez
c/o Davis Law Group
2101 Fourth Avenue, Suite 1030
Seattle, WA 98121
(206) 727-4000

Knowledge

This person may have knowledge of the claims and/or damages being sought by herself individually and as Special Administrator of the Estate of Ceasar Medina.

Question No. 15: Describe the cause of the injury or damages. Explain the extent of property loss or medical, physical or mental injuries. Attach additional sheets if necessary.

This claim arises out of the murder of Ceasar Medina by Jeremiah A. Smith a/k/a Glenn Akers that occurred on May 26, 2015, at 12:04 a.m., at Northwest Accessories (NWA), 3400 N Monroe Street, Spokane, WA.

Smith was supposed to have been incarcerated on May 26, 2015. He had been wrongly released from prison 12 days earlier by the DOC.

Smith entered the rear door of NWA armed with a handgun. As Smith approached Medina, Medina placed his hands above his head. Medina then got down on the floor in a prone position with his hands above his head while lying on his stomach. Smith was standing over Medina with the barrel of the gun at the back of his head. As Smith bent over Medina with the gun, Smith reached to the area of his lower back as though to keep his pants from falling down. At that time, a wine bottle was thrown at Smith causing Smith to raise his handgun and fire one shot in an easterly direction. Smith then ran and launched himself over the glass countertop in the front lobby area. Medina then got to his feet and went back into the hallway out of view. Smith then reenters the front lobby area and the hallway down which Medina recessed. Smith then raised his gun and stepped deeper into the hallway out of sight. At that point, Smith shot Medina, killing him, and then ran back through the front lobby area.

Ceasar Medina, age 17, died at the scene. He is survived by his mother Veronica Medina-Gonzalez.

Ceasar Medina was killed by a man that should have been incarcerated, but was in fact wrongly released by the DOC due to a known computer “glitch.” Rather than fix the problem immediately, DOC allowed the problem to go unfixed for years. DOC knowingly allowed hundreds or even thousands of prisoners to be released too early.

Here is a timeline of the events surrounding the sentencing calculation error, according to the Department of Corrections (DOC).

1995: Legislature increases penalties for so-called sentence enhancements, including use of firearms and deadly weapons in crimes.

July 2, 2002: State Supreme Court issues decision requiring Department of Corrections (DOC) to reduce the sentences by crediting inmates for “good time” earned while in county jail.

Early July 2002: DOC changes its good-time computer coding to comply with the court decision. But the coding fix contained an inaccurate calculation of good time.

December 2012: A victim’s family, concerned about the imminent release of an offender, felt the prisoner was being credited with too much good time and does its own calculation of when he should be freed. The family alerts DOC of the error. DOC then manually calculates and corrects the offender’s good-time credit. This may have been the first time DOC becomes aware of the good-time calculation issue, but the DOC could have had knowledge of this error sooner.

Dec. 7, 2012: DOC consults with legal counsel about the error and schedules a fix for the programming problem to occur during the next scheduled IT update.

Dec. 27, 2012: Wendy Stigall, DOC records-program administrator, files a request to DOC's IT department explaining the problem and requesting a fix. In the section asking if it was a time-sensitive problem, she says yes. "ASAP," and describes it as a records "priority."

December 2012 to December 2015: The coding fix is repeatedly delayed. DOC knowingly releases hundreds of prisoners too soon.

May 14, 2015: DOC's "good time" calculation error allows offender Jeremiah Smith a/k/a Glenn Akers to be released early from prison.

May 26, 2015: Jeremiah Smith a/k/a Glenn Akers attempts to rob a tattoo parlor in Spokane, WA. Smith is armed with a gun. During the robbery, Smith shoots Ceasar Medina, age 17, and he dies at the scene.

September 2015: DOC's IT division renews its effort to address the coding error.

Nov. 2, 2015: Ira Feuer, DOC's new chief information officer, has an introductory meeting with Stigall. He learns about pending IT requests, including the good-time calculation issue.

Nov. 3-6, 2015: Feuer meets with the IT application manager to discuss the calculation request. Feuer is told a coding fix is scheduled for Jan. 7, 2016, and is informed that the contractual coding developer needed to make the change had been on leave from February to September.

Dec. 18: DOC leadership meets with Gov. Jay Inslee. DOC orders a hand calculation of sentences of all affected offenders before they are released, pending the automated coding fix Jan. 7. The agency begins reviewing its records to determine which offenders, already released, should be brought back to the system.

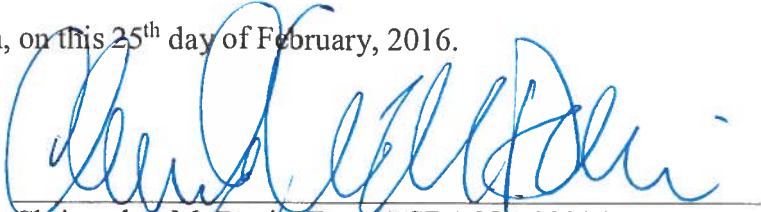
Washington State Governor Jay Inslee then hired Carl Blackstone and Robert Westinghouse of the Yarmuth Wilsdon law firm to conduct an independent investigation of how this problem occurred, who was responsible, and how similar problems could be prevented in the future.

On February 25, 2016, the the Yarmuth Wilsdon law firm released its final 52-page Investigative Report. Among several findings, Mr. Westinghouse and Mr. Wilsdon concluded that:

"The early release of thousands of prisoners over 13 years was caused by a series of errors coupled with bureaucratic incompetence, systemic failures of process and management, and an inexplicable failure both on an institutional and individual level to appreciate the fact that releasing even one inmate early, let alone thousands, undermined the core mission of the Department of Corrections, which is to protect the public."

Yarmuth Wilsdon, PLLC Investigative Report, Volume 1, p2 (see attached).

Dated at Seattle, Washington, on this 25th day of February, 2016.



Christopher M. Davis, Esq., WSBA No. 23234
Attorney for Claimants Veronica Medina-Gonzalez and the
Estate of Ceasar Medina