

FILED

12 DEC 13 PM 2:20

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

DEC 14 2012

CERTIFIED COPY TO WARRANTS

3

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

MICHAEL LA-ROSA,

Defendant.

No. 10-1-10060-8 SEA

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
JUDGMENT, ORDER OF
ACQUITTAL BY REASON OF
INSANITY, AND
ORDER COMMITTING DEFENDANT
FOR TREATMENT

THIS MATTER came on before the undersigned judge of the above-entitled court, on the defendant's motion to acquit by reason of insanity pursuant to RCW 10.77.080. The defendant appeared in court and was represented by his attorney, Carlos Gonzales; the State of Washington was represented by Daniel T. Satterberg, by and through his undersigned Deputy. The court, by stipulation of the parties, considered the following evidence:

- the written report of Dr. Elizabeth Bain of Western State Hospital dated December 3, 2012 (insanity evaluation);
- the written report of Dr. Paul Spizman, defense expert, dated July 16, 2011 (insanity evaluation);



- 1 • the written report of Dr. Elizabeth Bain of Western State Hospital dated October 30, 2012
- 2 (competency evaluation finding the defendant competent);
- 3 • the Findings of Fact and Conclusions of Law Regarding Defendant's Competency dated
- 4 November 14, 2012;
- 5 • the written report of Dr. Margaret Dean of Western State Hospital dated August 27, 2012;
- 6 • the written report of Dr. Margaret Dean of Western State Hospital dated March 29, 2012;
- 7 • the written report of Dr. Margaret Dean and Dr. Glenn Morrison of Western State
- 8 Hospital dated February 1, 2011;
- 9 • the Certification for Determination of Probable Cause prepared by Detective James
- 10 Cooper of the Seattle Police Department relating to the murder of Joseph LaMagno;
- 11 • the Certification for Determination of Probable Cause prepared by Detective Russ
- 12 Weklych relating to the murder of Richard Dale Holme.

13 Finally, the court considered the record to date and arguments of counsel.

14
15 **I. FINDINGS OF FACT**

- 16 1. The defendant is competent to enter a plea to the charge and to stand trial.
- 17 2. The defendant committed the charged crimes of Murder in the First Degree with deadly
- 18 weapon enhancements (two counts).
- 19 3. At the time of the acts charged, the defendant was suffering from a mental disease or
- 20 defect affecting the defendant's mind to the extent that either the defendant was unable to
- 21 perceive the nature and quality of the acts with which he is charged; ^{and} ~~or~~ the defendant was unable
- 22 to tell right from wrong with reference to the particular acts charged.
- 23
- 24

1 4. The defendant is a substantial danger to other persons and presents a substantial
2 likelihood of committing criminal acts jeopardizing the public safety or security unless kept
3 under further control by the court.

4 5. It is not in the best interests of the defendant and others that the defendant be placed in
5 treatment that is less restrictive than detention in a state mental hospital.

6
7 **II. CONCLUSIONS OF LAW**

8 1. The defendant committed the acts charged in the Amended Information.

9 2. The defendant was insane at the time of the commission of the acts charged.

10 3. The defendant is a substantial danger to other persons and presents a substantial
11 likelihood of committing criminal acts jeopardizing the public safety or security unless kept
12 under further control by the court.

13 4. It is not in the best interests of the defendant and others that the defendant be placed in
14 treatment that is less restrictive than detention in a state mental hospital.

15 ////

16 ////

17 ////

18 ////

19 ////

20 ////

21 ////

22 ////

23 ////

1 **III. JUDGMENT AND ORDER**

2 The Court acquits the defendant of the acts charged because of insanity existing at the
3 time of the acts charged.

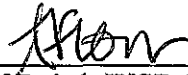
4 IT IS HEREBY ORDERED that the defendant is committed to the custody of the
5 Secretary of the Department of Social and Health Services for hospitalization at such place as
6 shall be designated for the care and treatment of the criminally insane.

7 THEREFORE, IT IS ORDERED, ADJUDGED and DECREED that the above-named
8 defendant be transported by the King County Sheriff, Western State Hospital, or any other peace
9 officer of the State of Washington from the King County Jail to the custody of the Secretary of
10 the Department of Social and Health Services.

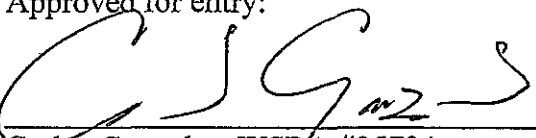
11
12 DONE IN OPEN COURT this 13th day of December, 2012.

13
14 
15 _____
16 JUDGE **BILL A. BOWMAN**

17 Presented by:

18 
19 ~~Jeff Baird, WSBA #11731~~ Amanda Fron #3104
Senior Deputy Prosecuting Attorney

20 Approved for entry:

21 
22 _____
23 Carlos Gonzales, WSBA #35794 35794
Attorney for Defendant