

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

O: THE HONORABLE RONALD KESSLER

DATE OF REPORT: 5-26-99

NAME: CAUVIN, Yves

DOC NUMBER: 994467

CRIME(S): Unlawful Issuance of Bank Checks, Counts I and II

CAUSE NUMBER: 99-1-01809-1 SEA

DATE OF OFFENSE: 9-6-98

SENTENCING DATE: 6-4-99

ADDRESS: None provided

PRESENTENCE INVESTIGATION

I. CRIMINAL HISTORY:

THE SUBJECT

Sources:

1. National Crime Information Center 3-8-99
2. Washington Crime Information Center 3-8-99
3. Department of Corrections
4. Superior Court Operations Management Information System
5. King County Prosecuting Attorney's Office
6. District Court Information System

<u>DATE OF OFFENSE</u>	<u>CRIME, COUNTY AND CAUSE NUMBER</u>	<u>DATE OF SENTENCE</u>	<u>DISPOSITION</u>	<u>SCORE/ WASH</u>
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Felony

Juvenile: None known.

Adult:

5-10-91	Kidnapping, Second Degree; King County Cause #91-1-02650-1 (1,2,3,4,5,6)	7-27-92	9 months jail, 12 months community supervision; 24 months probation. Violation hearing 4-25-94, 30 days jail; violation hearing 5-12-95, 45 days jail; violation hearing 2-22-99, 30 days jail.	S (1)
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According to the 1992 PSI, while Mr. Cauvin's ex-girlfriend was showing an apartment, Mr. Cauvin's codefendant brought her outside and they forced her into a car. Mr. Cauvin threatened to kill her with a gun. Once in the car, Mr. Cauvin hit her many times, pulled out some of her hair and held the gun to her head. They went to Mr. Cauvin's sister's home where he used cocaine and then bought more bullets for his shotgun and pistol. They went to a motel where he kept her against her will for many hours and continued to use cocaine. After her pleas, he let her go agreeing that she would not call

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police and if she did he would commit suicide. When police arrived, he was gone but they confiscated the guns as well as hair clumps belonging to the victim. She had additional bruises, a black eye, was traumatized for many months and was in therapy with a counselor. Mr. Cauvin denied that the kidnapping, threats or possession of the guns ever occurred. He only admitted to slapping his girlfriend several times.

2-30-94	Burglary, Second Degree; King County Cause #94-1-02868-5 (1,2,3,4,5)	6-9-95	8 months jail, 12 months community supervision; violation hearing 2-22-99, 30 days jail.	S (1)
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While Mr. Cauvin was burglarizing a Windemere realty office, he was interrupted and he left with the fax machine pushed to the door. Mr. Cauvin denied in the 1995 presentence report that he was the instigator or the actual intruder but his codefendant owed him some money. He stood there drinking wine while the codefendant broke in. Mr. Cauvin stated that the offense was not intentional.

Misdemeanor:

3-9-84	Criminal Trespass, First Degree; Pierce County Cause #84-1-00443-8 (4,6)	6-20-84	4 days confinement, 1 year probation.	N/A
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3-30-94	Harassment; King County Cause #94-1-02545-3 (1,2,3,4,5,6)	6-7-95	1 year probation, credit for time served.	N/A
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5-10-91	Assault, Fourth Degree; King County Cause #91-1-02850-1 (1,2,3,4,5,6)	7-27-92	2 years probation to run consecutive to the felony, 9 months probation to run concurrent to the felony Kidnapping, Second Degree.	N/A
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3-18-90	No Valid Operator's License; Seattle Municipal Court Case #6548 (5)	Unknown	Guilty	N/A
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3-4-94	Criminal Trespass, First Degree; Renton Municipal Court Case #J111604 (2,5,6)	Unknown	Guilty	N/A
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8-8-94	No Valid Operator's License; Bellevue Municipal Court Case #B0030497 (6)	Unknown	Guilty	N/A
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II. SCORING:

Seriousness Level:

1

Offender Score:

3

Standard Range:

From 2 to 6 months

III. VICTIM IMPACT STATEMENT:

I received a copy of the victim impact questionnaire and a statement written by [REDACTED] on 3-1-99. She stated that she might be present to speak to the judge at sentencing however, she was afraid to be in the same room with her estranged husband. Throughout the marriage her husband abused her and had extreme bursts of violent behavior. He kept her scared often by threatening to kill others. Finally in January 1998, she saw him using cocaine and she wanted a separation. Also, companies and credit card agencies began calling her reporting debts. She asked them to send paperwork regarding the debts and she has collected approximately 15 different cases of fraud and forgery. She stated that she attempted to get a divorce but he went into hiding. However, a divorce is in their future and possibly in June 1999. Ms. Cauvin stated that her personal credit and business credit was destroyed after having excellent credit, running a successful business and trying to pay the bills. She is also struggling to raise their one year old child and her estranged husband owed her significant money. Child support money sent informally was \$1,300.00 a month however, two of the checks bounced and remain outstanding. She stated that she could not sell her house because it had over a dozen judgements against it because of her estranged husband's fraudulent and illegal behavior.

Ms. Cauvin reported that there has been domestic violence in the household in the past and he has threatened to kill her. She lives in fear with her child and she continues to work with other agencies regarding the fraud and forgery. She is aware of the current case with the Redmond Police Department, Las Vegas, NV District Attorney's Office, etc. Ms. Cauvin wrote that she would supply the court system with any proof of this information if it would be helpful.

Ms. Cauvin was further victimized by her estranged husband's forgery activity as he was seen by a neighbor taking mail out of the mailbox. Within a short time he had forged her name to a check for the amount of \$4,800.00. She is being sought to satisfy this debt. While they were married they had separate accounts and she never gave him permission to use hers. She is afraid that he will continue to gain access to her account.

There was also a domestic violence threat by Mr. Cauvin toward Ms. Cauvin on 9-25-98 but the details of SPE #98-408341 are unknown. The last reported date Mr. Cauvin forged a check of Ms. Cauvin's was on 11-6-98 for \$2,000.00 at SeaFirst Bank. The outcome of these incidents is unknown.

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RISK/NEEDS ASSESSMENT:

A risk/needs assessment interview was completed with the offender which elicited information regarding Criminal History, Education/Employment, Financial, Relationship/Family, Accommodation, Leisure/Recreation, Companions, Alcohol/Drug Use, Emotional/Personal and Attitude/Orientation. The following risk or needs area(s) were identified and have implications for potential risk, supervision and interventions.

Criminal History:

Mr. Cauvin stated during the current presentence interview that he believes his criminal history is due to his bipolar disorder that was diagnosed within the past three years and his failure to take medication. He stated that it was "alleged" that the kidnapping and associated assault occurred because he was taking cocaine but that was false. That violent offense occurred due to his ex-girlfriend's failure to pay a debt and the offense was exaggerated. The Burglary in 1994 was due to his association with the codefendant and he did admit that he was drinking alcohol at the time but not to excess. Mr. Cauvin finally indicated that alcohol and drugs could have resulted in his criminal behavior as it complicated his manic depression.

When Mr. Cauvin was booked into the King County Jail, he had an additional \$30,000.00 warrant from the Las Vegas District Attorney's Office due to a bad \$15,000.00 voucher. Mr. Cauvin stated during the presentence interview that this was a gambling debt to the Mirage Hotel and he had post-dated the check four weeks due to the expected closing sale of his home in Seattle valued at \$500,000.00. This bounced because his estranged wife interfered with the sale process. Mr. Cauvin was also booked on two warrants for Violations of Community Supervision. Mr. Cauvin has a history of absconding from supervision. Mr. Cauvin is also being investigated by other police agencies regarding fraud and forgery cases.

Education/Employment:

Mr. Cauvin indicated that he graduated from high school and two years of community college specializing in business. He has worked primarily as a mortgage broker for a bank and independently. He has worked in Las Vegas and in King County, WA. He did state that he has been fired in the past but it was due to irreconcilable differences while working with a brokerage firm. He indicated that the last time he was an "exotic dancer" was a year ago when he was in a film but he has no intention of returning to that business, except for the purpose of entertainment. According to Department of Corrections records, Mr. Cauvin had employment at a variety of clubs as a male dancer. Mr. Cauvin has had a variety of businesses that lasted only a short period of time. The most recent business established was while he was still married, Platinum Computers, a retail computer business. He stated that he had a van, a retail store on South Aurora and three employees. However his business checks indicate his home address and his bank account indicate that the store was on North Aurora. Unfortunately, after approximately a year of up and down business relations, his computer business closed in November 1998. The mortgage company business was seeing approximately \$30,000.00 to \$40,000.00 a month going through National Bank of Tukwila. John Woods, bank president reports this as false. Mr. Cauvin stated that due to stress interfering with his ability to work; the divorce proceedings that included fighting for custody of his son; going off his medication which caused poor judgement. He went to California in November and December of 1998 in order to complete an independent brokerage deal. However, the deal "fell through." He returned to Seattle in late December.

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Mr. Cauvin indicated that once he was released from jail he intends to return to the independent mortgage brokerage business.

Financial:

Mr. Cauvin stated that he had financial difficulties in both personal and business areas due to the divorce and his gambling problem. He denied that cocaine use has had an impact on his financial resources. He stated that he assisted in the purchase of the \$500,000.00 home in 1995 because of his mortgage business expertise. He did not believe that there are liens on the home due to his debts, however if there were some, the value of the home with the equity would far exceed the debt and provide a profit. He had arranged for the presale of the house that his wife originally agreed to during their separation. However, because of the turbulence through the divorce proceedings, she changed her mind and refused to let realtors, etc., view the house. He stated he had no control over this because he was not living in the home. He stated that, in good faith, he believed that the presale of the house was completed and the "money was to be in the bank" within a matter of weeks. He stated that his wife had signed the presale contract so he was surprised when the sale was not completed. He had no intention of defrauding anyone, including his wife and the Mirage Hotel.

Relationship/Family:

Mr. Cauvin was a product of divorced parents. His mother lived in Florida and he was raised primarily by his father with his two siblings. He did indicate that there was abuse in the family while growing up however, he did not witness any domestic violence. His father currently travels abroad for his job and he has infrequent contact with his brother and his sister.

According to Department of Corrections records, Mr. Cauvin is constantly involved in a new relationship and sometimes is involved in two romantic relationships at the same time. He has a five year old daughter who lives in Tacoma from a significant relationship. He is involved in a custody issue with that child, also. He was married to his current wife in 1995 and they have a young son. In the past year, the custody and property battle has become very fierce and he hopes to maintain joint custody of his son. Mr. Cauvin stated that visitation with his son is extremely important and he will follow anything that this court or Family Court orders including taking his medication, urinalysis to maintain sobriety and to keep an active record of the sobriety and to report as required. Mr. Cauvin believes that this is important in order to develop a strong relationship with his son and also to have the Courts develop belief in him.

Accommodation:

According to Mr. Cauvin's Department of Corrections records, he started supervision in 1992 reporting that he lived with his father for the prior 24 years. However, on supervision, his residence changed frequently which often resulted in a Community Corrections Officer looking for him and at times, a bench warrant issued due to the appearance of absconding. Mr. Cauvin stated that he currently does not know where he will reside when he is released but he is hopeful that by the time of his release date he will have an address. Mr. Cauvin denied that he was forced out of the home that he shared with his wife due to domestic violence or drug use in January 1998.

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Leisure/Recreation:

Mr. Cauvin admitted that he needed more pro-social activities and companions in his life.

Alcohol/Drug Use:

The reports from the 1992 PSI and the 1995 PSI indicate that Mr. Cauvin used alcohol and drugs in the offenses. The ex-girlfriend/victim in the 1992 offense indicated that Mr. Cauvin was using excessive cocaine during the crime however, Mr. Cauvin denied that in 1992 and now. He stated that the last time he used cocaine was approximately two years ago however, he retracted that and stated he uses it on a rare or occasional basis but he does not abuse the drug. His estranged wife reported to police that her husband was abusing cocaine.

During the current interview, Mr. Cauvin admitted that the use of cocaine and alcohol would interfere with his medication and he planned to refrain from all alcohol and drugs and stated that the Department of Corrections and the Court can require urinalysis to monitor his sobriety and medication use. Mr. Cauvin denied that he has been involved in alcohol or drug treatment in the past and he did not believe he had a current addiction problem that required treatment.

Emotional/Personal:

Mr. Cauvin reported during the current interview that he was diagnosed with bipolar approximately three years ago from the University of Washington Mental Health Unit and was seen professionally by Dr. David Dunner. He has been taking Prozac however, he would not maintain his medication. He stated that he is currently taking Prozac in the King County Jail. Lithium was discussed with him however, it was never used. This information contradicts the information that Mr. Cauvin gave the Department of Corrections in the presentence interview in 1995. At that time he stated that he was diagnosed as bipolar while living in Hawaii and he was prescribed Lithium by Dr. Wong. He was also taking Zoloft for depression. The Department of Corrections file material did not include any further details regarding this or Mr. Cauvin's mental health treatment or medication.

I have requested verification from the University of Washington Mental Health Unit as well as the King County Jail but as of the date of this report I have not received any verification. I have also notified Mr. Cauvin's attorney, Kimberley Exe of SCRAP, of the above information. Mr. Cauvin does believe it is very important that he stay on medication and it is his belief that he will be able to do so in the future as he has seen the stabilizing features of the medication while he has been incarcerated. He stated that that was the longest period of time on the medication and it has convinced him that his moods can be leveled. He denied that he has ever attempted suicide or made threats of suicide. He stated that at times when he is feeling depressed he becomes very isolated and this negatively impacts relationships, employment and other necessities of everyday life.

Attitude/Orientation:

Mr. Cauvin denies that a crime exists as reported by police and his estranged wife. He stated that it is a matter of circumstances that got out of control but he believes his estranged wife is just as responsible for his financial situation. He believes she has exaggerated many of the financial issues, her fear of him, and the necessity to alienate him from his son. He does not believe that he has damaged her business or that he has negatively, on a financial basis, ruined her financial standing in the community or the value of the financial gain of the sale of their home. Mr. Cauvin believed that it was very possible for him

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to regain his financial status, purchase a home in the near future following the short time in a new mortgage brokerage business. Mr. Cauvin did not appear to understand the seriousness of the current money-related offenses or ones involved in the current offense and the other similar forgeries, fraud and theft that he has been involved in in the community. Mr. Cauvin perceives himself as an independent entrepreneur that has been misunderstood by a variety of people and does not see himself as a criminal individual.

Mr. Cauvin has a history of failing to comply with conditions of the court, supervision and a pattern of absconding. As a past Community Corrections Officer noted in 1995, Mr. Cauvin does not understand the nature of his law violations or perhaps he does not care about the outcome of his behavior, and if the irresponsible attitude continues, Mr. Cauvin will continue to violate the law and harm people that he loves and people in the community. Mr. Cauvin makes statements that are incredibly invalid. For example, he stated that his business and personal accounts at the National Bank of Tukwila, on a monthly basis saw \$30,000.00 to \$40,000.00 through his account however, the bank clearly denied this.

V. CONCLUSIONS:

Yves Cauvin is a 34 year old male facing sentencing on his third adult felony conviction. His offense history varies between violent offenses and fraud, forgery and theft with elements of substance abuse and reports of domestic violence in a series of prior relationships. The Department of Corrections has had some periods of success in monitoring Mr. Cauvin however, the majority of the time it has been difficult because of his failure to be available. He has a history of presenting himself in a very pro-social manner while paying his monthly payments and then showing the irresponsible noncompliance side. This was also seen in his employment history. At one time he worked as a loan officer, as a mortgage broker, ran a business in computers, art galleries, etc., and he has been an exotic dancer. He stated that his variations of lifestyles and compliance was due to the phase of manic and depression exhibited with bipolar disorder. The victim in this case is his estranged wife who has not only been personally victimized but her business and the well being of her child has also been impacted. The financial abuse by Mr. Cauvin is far more detailed than is allowed in this presentence investigation however, Ms. Cauvin can provide the Court with a more detailed list which she may present at sentencing. I am currently unaware of what or if she presented her financial position during the trial. It was obviously irresponsible on Mr. Cauvin's part to lose thousands of dollars while gambling in Las Vegas and this jeopardized the family, household and Mr. Cauvin's own personal and business operations.

Mr. Cauvin can be supervised on 12 months of community supervision for the purposes of monitoring prohibitions. The risk assessment indicated the risk areas of substance abuse, attitude and orientation, unstable employment, residency and support group, as well as mental health issues. Unfortunately, due to Mr. Cauvin's prior felonies, the First-Time Offender Waiver with affirmative conduct conditions is not available. Also, Mr. Cauvin reported he was not under the influence of alcohol or drugs at the time of the offense even though he periodically used alcohol or drugs. He admitted that taking alcohol and drugs could affect his behavior. It is recommended, therefore, that Mr. Cauvin be prohibited from using any alcohol or mood altering drugs that are not prescribed by his physician; that he be prohibited from having drug paraphernalia and that he be monitored for sobriety. It is also recommended that Mr. Cauvin be required not to cease taking medication as prescribed by a mental health professional or a physician.

It is recommended that Mr. Cauvin, due to the nature of the current offense, have no contact with his estranged wife except for the procedures of Court and this can be completed through a third party and/or their attorneys. As Mr. Cauvin acknowledged that there is growing hostility between the couple and she holds him responsible for all of the financial debt, the marriage problems and she is resorting to limited parenting visitation. Mr. Cauvin wants to comply with all conditions and remain sober in order to

maintain contact with his son in the future as he believes that this matter will be reviewed by Family Court or through the divorce proceedings. Because of the nature of the offense, it is further recommended that Mr. Cauvin not be employed on a voluntary or paid basis or run a business where he is involved in financial transactions, either on paper or through monetary instruments including checks, cashier's checks, money orders, checking accounts or as a middle man in developing a financial transaction, i.e., as a mortgage broker, loan officer, etc. It is necessary that Mr. Cauvin be not allowed to have a checking account and that he not possess anyone else's checking account or tools of financial transactions.

As Mr. Cauvin reports that he has been diagnosed with bipolar disorder, he was not taking medication at the time of the offenses, and the offenses occurred after June 11, 1998, it appears that Mr. Cauvin is eligible for the Mentally Ill Offender Alternative sentencing. This act allows Mr. Cauvin to have affirmative conduct conditions related to his mental health illness. However, at this time I have not been able to verify his mental health illness. I am concerned regarding the accurate diagnosis as he reported in 1995 that he was diagnosed with bipolar in Hawaii by Dr. Wong and was given Lithium. However, during the current interview he totally contradicted this information stating that he was first diagnosed at the University of Washington by Dr. Dennis Dunner and never prescribed Lithium but prescribed Prozac. So, before mental health affirmative conduct conditions can be recommended verification of the disorder is necessary. It is hoped that as of the date of sentencing, verification will have been received and will be able to be presented at Court. If, bipolar disorder, an Axis I diagnosis, is verified, it is recommended that Mr. Cauvin be sentenced under the Mentally Ill Offender Treatment Alternative, amended RCW 9.94A.110 in order to allow affirmative conduct conditions regarding his mental health illness. The conditions that would be recommended would be as follows: Participate in an updated mental health evaluation through the current provider or by a provider designated by the Court; follow-through with the recommendations regarding counseling, medication, medication monitoring, and other mental health-related programs seen necessary for stabilization, i.e., alcohol and drug treatment, anger management or domestic violence counseling, gambling and/or money addiction counseling, etc.; sign a release of information between all treatment parties that the Department of Corrections in order to allow a flow of information for collaboration of supervision; comply with program treatment as orchestrated through the Department of Corrections Special Needs Unit Community Corrections Officer.

Confinement is recommended at the high end of the range, as Mr. Cauvin's criminal history appears chronic, as does his pattern of noncompliance, statements of nonresponsibility for his criminal actions from the past and present. Mr. Cauvin continues to blame the victim for his behavior. Mr. Cauvin does not appear to understand how he has victimized a variety of people both close to him and in the community through his actions of fraud, theft, forgery, etc. The Department of Corrections staff through the years have been concerned regarding his lack of responsibility and no appearances of remorse.

Conversions considered both work release and home detention however, Mr. Cauvin does not have a stable residence and he has a history of absconding. It is therefore recommended that six months of confinement be completed in total custody of the King County Jail.

VI. SENTENCE OPTIONS:

- Confinement Within the Standard Range
- Work Ethic Program
- Exceptional Sentence
- First-Time Offender Waiver
- Drug Offender Sentencing Alternative (DOSA)
- Mentally Ill Offender (if verified)

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VII. RECOMMENDATIONS:

Sentence Type: Standard sentence range

Confinement: 6 months

Conversions: None recommended

Length of Community Supervision: 12 months

Conditions of Supervision:

See attached Appendix F.

Monetary Obligations:

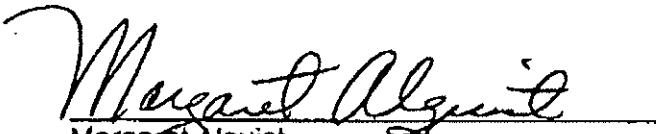
Restitution	\$ <u>TBD</u>	Court Costs	\$ <u>TBD</u>	Other	\$
Victim Penalty	\$ <u>500.00</u>	Attorney Fees	\$ <u>TBD</u>		
Drug Fund	\$	Fine	\$		

Payment schedule to be determined by the Department of Corrections.

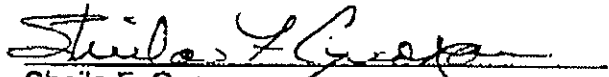
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SUBMITTED BY:

APPROVED BY:



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MA:bjb
06/01/99

Original: Court
cc: Prosecuting Attorney
Defense Attorney - Kimberley Exe, SCRAP
File

Attachment: Appendix F