
STATE OF WASHINGTON,)	No. 101941-6
)	
Respondent,)	STATEMENT OF
)	ADDITIONAL
v.)	AUTHORITIES
)	
GORDON HAMMOCK,)	
)	
Petitioner.)	

Under RAP 10.8, Mr. Hammock submits the following additional authorities in support of his petition for review on whether the court improperly limited the scope of the resentencing hearing: *State v. Dunbar*, _ Wn. App. 2d __, 2023 WL 4567835, at *3 (July 18, 2023).

In *Dunbar*, Mr. Dunbar was resentenced following *State v. Blake*, 197 Wn.2d 170, 195, 481 P.3d 521 (2021). Mr. Dunbar had two prior convictions for drug possession, which were void under *Blake* and should not count in his offender scores. His standard range on the convictions did not change because his offender scores remained in the mid-20s, well

above a 9. The resentencing court deferred to the original sentencing judge's decision and said it could not consider evidence of rehabilitation. *Id.* at *2.

The Court of Appeals held that unless a resentencing hearing has been expressly limited by an appellate court, it "should be de novo." *Id.* at *3. The judge "should be able to take new matters into account" including evidence of rehabilitation. *Id.* at *3-4. The court should "entertain any relevant evidence" impacting sentencing. *Id.* at *4. Indeed, "the sentencing court should be free to consider any matters relevant to sentencing, even those that may not have been raised at the first sentencing hearing, as if it were sentencing de novo." *Id.* at *5.

Here, the trial court resentenced Mr. Hammock but expressly limited its review to altering the offender score. When Mr. Hammock complained that his lawyer was not assisting him with his resentencing, the court told Mr. Hammock:

This is a resentencing based on an offender score change due to State versus Blake. The scope of the representation of Mr. Blair is resentencing in light of this change in the law. And this doesn't open it up to any resentencing on any issue, especially those issues that could have been brought at the time of the original sentencing.

RP 13.

As *Dunbar* demonstrates, Mr. Hammock was entitled to a full resentencing hearing yet the trial court refused to consider his additional arguments. The Court of Appeals decision conflicts with *Dunbar*. RAP 13.4(b)(2).

Counsel certifies this document contains 350 words and complies with RAP 18.17(b).

DATED this 27th day of July 2023.

Respectfully submitted,



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DECLARATION OF FILING AND MAILING OR DELIVERY

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original of the document to which this declaration is affixed/attached, was filed in the **Washington State Supreme Court** under **Case No. 101941-6**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered by other court-approved means to the following attorney(s) or party/parties of record at their regular office / residence / e-mail address as listed on ACORDS / WSBA website:

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Date: July 27, 2023

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