

STATE OF WASHINGTON,)
)
Respondent,) NO. 99356-4
)
vs.) ANSWER TO MOTION TO
) AMEND PETITION
RONELLE ASHTON WILLIAMS,)
)
Petitioner,)
)
)
)
_____)

1. IDENTITY OF MOVING PARTY

The State of Washington, Respondent, asks for the relief designated in Part 2.

2. STATEMENT OF RELIEF SOUGHT

The State asks that this Court deny Williams' motion to amend his petition to add a claim under this Court's recent decision in State v. Blake, 2021 WL 728382 (Feb. 25, 2021). Rather than amending his petition, Williams should file a motion in the trial court, where a resentencing the State agrees the defendant is entitled could be expedited, and his offender score accurately determined.

3. FACTS RELEVANT TO MOTION AND ARGUMENT

A jury found Williams guilty of second-degree assault with a firearm enhancement, felony harassment with a firearm enhancement, first-degree unlawful possession of a firearm, fourth-degree assault and witness tampering. The jury also found (1) that the assault, harassment, and witness tampering were domestic violence offenses, and (2) the aggravating factor that in committing second-degree assault, Williams knew the victim was pregnant. Williams received a 120-month sentence.¹

The Court of Appeals affirmed Williams' conviction and sentence. State v. Williams, No. 79267-9-1, slip op. (Wn. Ct. App., Nov. 23 2020) (unpublished). Williams filed a petition for review with this Court that is currently pending. Williams then filed a motion to amend his petition to add a claim under Blake, supra.

Williams has a lengthy felony criminal history that includes robbery, assault, and other crimes, along with various violations of the uniform controlled substances act (VUCSAs). A review of the listed VUCSA crimes in the Appendix B to the State's presentence

¹ The State dismissed the harassment count for sentencing.

memorandum, and the crimes as listed in the judgment and sentence, shows that it is not clear how many of Williams' prior VUCSA offenses are for possession, as opposed to delivery, possession with intent to deliver, or some other VUCSA offense that would still count in his offender score post Blake.

In reviewing information outside the record, it appears some of Williams' prior VUCSA convictions are for possession, and some are for other VUCSA offenses that would still count in his offender score. Which convictions count or do not count cannot be determined on the record currently before the court.

The State agrees that Williams must be resentenced. At a resentencing, the parties can review Williams criminal history and accurately determine his correct offender score and standard range.

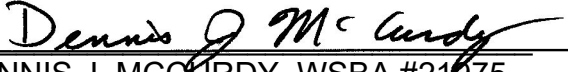
The State's preliminary calculation has Williams with an offender score of 7 on the offense with the highest seriousness level – the unlawful possession of a firearm conviction. He was scored originally as an 11. An offender score of 7 would result in a standard range of 67 to 89 months, plus 36 months for the firearm sentence enhancement. Assuming Williams has been in custody

since the date of the offense (11/4/17), even with a low-end sentence, Williams would still a few years to serve.

In shorting, adding a Blake claim to Williams' petition would seem to be counterproductive. The State agrees Williams needs to be resentenced. The fastest and most efficient way to achieve that would be for Williams to file a motion before the trial court. The prosecutor and defense counsel can then determine Williams' correct offender score and he can be resentenced.

DATED this 28th day of March, 2021.

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