Supreme Court No. 95090-3

Court of Appeals No. 33703-1-III

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, Petitioner,

v.

ROBERT L. YATES, Respondent

ON APPEAL FROM THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR SPOKANE COUNTY

PETITION FOR REVIEW

LAWRENCE H. HASKELL
Spokane County Prosecuting Attorney

Brian C. O'Brien
Senior Deputy Prosecuting Attorney
Attorneys for Respondent

County-City Public Safety Building
West 1100 Mallon
Spokane, Washington 99260
(509) 477-3662

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TABLE OF AUTHORITIES

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RULES AND REGULATIONS

I. IDENTITY OF PETITIONER

The State of Washington was the respondent below and is the Petitioner herein.

II. ISSUES PRESENTED FOR REVIEW

1. After agreeing with the State that the defendant's CrR 7.8 motion or petition brought in superior court was a successive claim under RCW 10.73.140, is the appellate court required on direct appeal to affirm the lower court's dismissal of the petition because RCW 10.73.140 properly required the superior court to dismiss this successive claim?

2. Where the superior court dismissed defendant's collateral relief petition, holding the defendant failed to established prejudice, and where this Court has found no prejudice resulting from the error claimed by the defendant, is dismissal of the collateral relief motion appropriate?

III. STATEMENT OF THE CASE

More than 16 years ago, Mr. Yates pleaded guilty to 13 counts of first degree murder, and one count of attempted first degree murder in exchange for an agreed 408–year prison sentence. *In re Yates*, 180 Wn.2d 33, 35, 321 P.3d 1195 (2014), *as amended on denial of reconsideration* (July 16, 2014); CP 80-87.

Then, in 2002, Yates was convicted of two counts of aggravated first degree murder in Pierce County Superior Court and was sentenced to death.

This Court affirmed Yates' Pierce County convictions and death sentence in 2007. *State v. Yates*, 161 Wn.2d 714, 794, 168 P.3d 359 (2007). Yates filed a personal restraint petition in 2008 challenging the Pierce County death sentence and this Court dismissed that petition. *In re Pers. Restraint of Yates*, 177 Wn.2d 1, 66, 296 P.3d 872 (2013).

Yates then brought another personal restraint petition in this Court, challenging the facial validity of his judgment and sentence in the Spokane cases, arguing that his judgment and sentence was invalid because the 20-year sentences for counts one and two exceeded the judge's legal authority under the law, which required indeterminate life sentences (with a minimum of 20 years) for those counts. *In re Yates*, 180 Wn.2d at 36. This Court found the sentence was technically invalid as to the first two counts, but concluded:

> In this case, there was no practical effect resulting from the error. Yates agreed to a sentence of 408 years in prison and he should have been sentenced to a minimum of 408 years with a potential extension to a life sentence.[2] Given the reality of the human life-span, there is no difference between those two sentences. There is simply no way to find prejudice in this context. Without a showing of prejudice, the petition must be dismissed.
>
> CONCLUSION
>
> To avoid the death penalty for 13 murders, Yates agreed to plead guilty and spend the rest of his life in prison by way of a 408-year sentence. He was fully informed of the consequence of that plea: there was no possibility that he

> would ever be released from prison, regardless of how long he lived. We see no reason to invalidate his plea. His petition is dismissed.

In re Yates, 180 Wn.2d at 41-42.

Yates then brought the same claim[1] in a subsequent CrR 7.8 motion to the Spokane County Superior Court. He was represented by counsel, the same counsel that had represented him in this Court on his PRP relating to the Spokane sentences. *In re Yates*, 180 Wn.2d 33. The trial court (Judge Michael P. Price) held a hearing on the motion, and denied the motion, stating: "Mr. Yates has failed to show any prejudice in that he is serving a 408 year sentence. *See In re Smalls*, and *PRP of Yates*, cited in the briefing. The court incorporates its oral ruling into this order." CP 113.

Yates appealed the ruling. The State argued the trial court did not abuse its discretion when it denied Yates' CrR 7.8 collateral attack because this claim was successive, as it was exactly the same as the previous claim denied by this Court in *In re Yates*, 180 Wn.2d 33; dismissal by the trial court was appropriate under RCW 10.73.140, and also constituted an abuse

[1] The *claim* was identical, arguing that counts 1 and 2 were facially invalid; only the *relief requested* changed. It changed from a request to withdraw a plea, to a request for resentencing.

of the writ;[2] and was frivolous because of the petitioner's utter failure to establish any prejudice. Brief of Respondent at 4-14.

The Court of Appeals *agreed* that Yates' claim was successive, but instead of affirming the lower court's decision on that basis, the court transferred the case to this Court, stating:

> The State's primary response to Mr. Yates is that his collateral attack must be dismissed as successive. While we agree it is successive, dismissal is not required. Criminal Rule 7.8(b) expressly states the motion is subject to RCW 10.73.140, and because the Supreme Court is not bound by RCW 10.73.140's restriction on successive petitions, the proper response from this court is to transfer Mr. Yates' petition to the Supreme Court for further review. *In re Pers. Restraint of Johnson,* 131 Wn.2d 558, 563- 67, 933 P.2d 1019 (1997) (if a collateral attack might have merit yet is successive, it must be transferred to the Supreme Court).

Court of Appeals Opinion, September 27, 2016, at 4-5.

This Court deemed the transfer of the case was inappropriate because the case was an appeal, not a personal restraint petition originally filed with the appellate court. This Court remanded the appeal "to the Court of Appeals for the exercise of its appellate jurisdiction." Order, January 5, 2017.

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[2] This Court is not confined by RCW 10.73.140, but it does employ the abuse of the writ doctrine. That doctrine might not apply if petitioner was unrepresented in his prior petitions. *In re Pers. Restraint of Adolph*, 170 Wn.2d 556, 565, 243 P.3d 540 (2010). That is not the case here.

The Court of Appeals then decided that the defendant had shown sufficient prejudice to warrant a technical or ministerial correction of his sentence – and that such correction could occur without necessitating his presence. Court of Appeals Opinion, July 11, 2017, at 3-4. Judge Lawrence-Berry dissented, stating he would affirm the trial court's order because Yates had received a lesser sentence than permitted and that he had failed to establish that this lesser sentence resulted in a complete miscarriage of justice. *Id.* at 5.

The State moved to reconsider, arguing "that the lower court did not commit error when it denied the defendant any relief on his CrR 7.8 collateral attack because he failed to establish any prejudice in that court, and, moreover, the trial court's decision to deny relief was also supportable by the fact that the defendant's collateral attack in the lower court was a successive petition under RCW 10.73.140." State's Mot. for Recon., July 31, 2017, at 1-2. The reconsideration motion was denied on September 5, 2017. Court of Appeals Order, September 5, 2017. The State now seeks review by this Court of the Court of Appeals' decision.

IV. REASONS REVIEW SHOULD BE ACCEPTED AND ARGUMENT

A. The petition was successive, the opinion in this case conflicts with this Court's rulings expressed in *Becker* and its progeny, and review is warranted under RAP 13.4(b)(1), (2).[3]

By finding the defendant's petition in the lower court was a successive petition, yet failed to find that the lower court did not abuse its discretion in dismissing the petition, the appellate court failed to properly exercise its appellate jurisdiction. It should have affirmed the lower court's dismissal of the petition because RCW 10.73.140 required the superior court to dismiss this successive claim. RCW 10.73.140, as relevant herein, provides: "If a person has previously filed a petition for personal restraint, the court of appeals will not consider the petition unless the person certifies

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[3] (b) Considerations Governing Acceptance of Review. A petition for review will be accepted by the Supreme Court only:

(1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or

(2) If the decision of the Court of Appeals is in conflict with a published decision of the Court of Appeals; or

(3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or

(4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

RAP 13.4(b).

that he or she has not filed a previous petition on similar grounds, and shows good cause why the petitioner did not raise the new grounds in the previous petition."

Here, the claims were successive. The claim originally brought in this Court was that counts 1 and 2 were facially invalid. *In re Yates*, 180 Wn.2d 33. The relief requested was the withdrawal of the plea. *Id.* The claim in the instant CrR 7.8 motion was that counts 1 and 2 were facially invalid. Only the relief changed to a request for resentencing.

Thus, the claims were "similar." This Court has found the phrase "similar relief" in RAP 16.4(d), and the phrase "same grounds for relief" in RCW 10.73.140 are consistent with each other. *Matter of Johnson*, 131 Wn.2d 558, 933 P.2d 1019 (1997). For purposes of RCW 10.73.140 and RAP 16.4(d), which bars multiple personal restraint petitions for similar relief absent a showing of good cause, "similar relief" relates to the *grounds heard* and determined in a previous petition, regardless of whether they are of constitutional magnitude, *rather than to the type of relief sought. In re Pers. Restraint of Cook*, 114 Wn.2d 802, 813, 792 P.2d 506 (1990).

There is no good cause shown for review of this successive claim. Yates has not even attempted to explain why this "new" claim was not brought along with the other claim(s) in his first petition. Therefore,

RCW 10.73.140 required the superior court to dismiss the collateral relief motion,[4] and the Court of Appeals to affirm.

RCW 10.73.140 controls both the superior courts and the court of appeals. This Court has held RCW 10.73.140 applies to CrR 7.8 motions in superior court. *See In re Pers. Restraint of Becker*, 143 Wn.2d 491, 20 P.3d 409 (2001). "Indeed, it would be irrational and indefensible to apply a different standard to applications for postconviction relief depending on whether a proceeding is filed in the appellate court or in the trial court." *In re Becker*, 143 Wn.2d at 497 fn.4, citing *State v. Brand*, 65 Wn. App. 166, 174, 828 P.2d 1, *aff'd*, 120 Wn.2d 365, 842 P.2d 470 (1992).

The Court of Appeals agreed with the State that the petition was successive. Court of Appeals Opinion, September 27, 2016 at 4-5. By not following the mandate of RCW 10.73.140 and affirming the lower court's dismissal of the CrR 7.8 motion, the opinion below conflicts with this

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[4] While RCW 10.73.140 applies only to successive petitions filed in the court of appeals and superior courts, and does not restrict successive petitions filed in this Court, even here there is a restriction on successive petitions under the abuse of writ doctrine. *In re Pers. Restraint of Turay*, 153 Wn.2d 44, 101 P.3d 854 (2004) (successive petitions constituted abuse of writ process; petition dismissed). The State argued that the petition constituted an abuse of the writ doctrine in its briefing to the Court of Appeals to preserve the argument. Yates has provided no reason for his failure to raise this claim for relief – resentencing – in his prior petition.

Court's rulings expressed in *Becker* and its progeny, and review is warranted. RAP 13.4(b)(1), (2).

B. The trial court's holding that the petitioner had failed to establish prejudice was supported by the record and no relief should have been granted where the petitioner failed to establish any actual or substantial prejudice.

The Court of Appeals' July 11, 2017 opinion grants a resentencing, without addressing the successive petition bar under RCW 10.73.100, and relies on its previous opinion,[5] where it mistakenly believed it had no jurisdiction in this matter. Without any analysis, it concludes: "However, as set forth in our prior opinion, Mr. Yates has shown sufficient prejudice to justify correction of his judgment and sentence. *State v. Yates*, No. 33703-1-III, slip op. at 4." The prior opinion states:

> Unlike what was true in the context of Mr. Yates' prior petition, the success of the current collateral attack does not depend on demonstrating prejudice in the practical sense. *See id.* at 50-51 (McCloud, J., concurring). An illegal sentence is a fundamental defect that results in a complete miscarriage of justice. *See In re Pers. Restraint of Goodwin*, 146 Wn.2d 861, 876-77, 50 P.3d 618 (2002). No further analysis of harm is required for relief. *Id.* To the extent the decision of *Smalls*, 182 Wn. App. 381, suggests otherwise, it is dicta.

Court of Appeals Opinion, September 27, 2016, at 4.

[5] Court of Appeals Opinion, September 27, 2016.

The July 11, 2017, opinion ignores this Court's finding that Yates cannot establish *any* real prejudice, a position adopted by the superior court in this petition, and, instead, relies on dicta from the concurring opinion of Justice McCloud that *had* Yates brought some additional claim he failed to bring, a claim not under consideration by the Court, perhaps some relief would have been granted. *Yates*, 180 Wn.2d at 50-53. There, the majority of this Court addressed the prejudice issue and noted that:

> The dissent contends that there are two practical differences between the 408–year sentence Yates received and the sentence he should have received. First, the two 20-year sentences for counts one and two could have run concurrently rather than consecutively. Second, Yates may have been eligible for parole on counts one and two. But, of course, neither of those differences would have had any effect until after Yates had served his 368–year sentence on the rest of the counts. We stand by our conclusion that humans do not live long enough for these differences to have any practical effect.

In re Yates, 180 Wn.2d at 41 fn.2.

The Court of Appeals found "Mr. Yates has shown sufficient prejudice to justify correction of his judgment and sentence," yet, inexplicably also found that "it is well settled, as the law of the case, that Mr. Yates has suffered no realistic prejudice." These contrary findings are as confusing as the Court of Appeals' decision to remand for a "ministerial resentencing" without the defendant being present. This conflicts with this Court's decision in *Yates*, 180 Wn.2d 33, and review is appropriate.

RAP 13.4(b)(1), (2). The appellate court's holding that no "practical" prejudice need be established makes a finding of "impractical" prejudice somehow cognizable without *any* showing of harm. This holding conflicts with this Court's holdings that a showing of actual and substantial prejudice is necessary to obtain relief in a personal restraint petition.[6] As noted by this Court in *In re Pers. Restraint of Coggin*, 182 Wn.2d 115, 340 P.3d 810 (2014):

> As we explained in *In re Personal Restraint of Stockwell*, 179 Wn.2d 588, 316 P.3d 1007 (2014), a petitioner's burden on collateral review has evolved over the course of several decades. We have required petitioners who collaterally attack their convictions to satisfy a higher burden, recognizing that a personal restraint petition does not substitute for a direct appeal, and different procedural rules have been adopted recognizing this difference. Where a presumption of prejudice is appropriate for direct review in some cases, it may not be appropriate for collateral review. *Stockwell*, 179 Wn.2d at 596–97, 316 P.3d 1007. *Even in those cases where the error would never be harmless on direct review, we have not adopted a categorical rule that would equate per se prejudice on collateral review with per se prejudice on direct review.* "We have limited the availability of collateral relief because it undermines the principles of finality of litigation, degrades the prominence of trial, and sometimes deprives society of the right to punish admitted offenders." *St. Pierre*, 118 Wn.2d at 329, 823 P.2d 492 (denying relief where issue of defective charging documents was raised for the first time in a

[6] This Court noted this when it ruled "[t]here is simply no way to find prejudice in this context." *Yates*, 180 Wn.2d at 41.

> personal restraint petition (citing *In re Pers. Restraint of Hagler*, 97 Wn.2d 818, 824, 650 P.2d 1103 (1982))).

In re Coggin, 182 Wn.2d at 120.

The opinion below conflicts with this holding in that the opinion would allow "harmless prejudice" to authorize collateral relief. Review is appropriate under RAP 13.4(b)(1), (2).

Additionally, holding court and entering a corrected sentence without the defendant being present may conflict with the defendant's constitutional right to be present at sentencing, including resentencing. *State v. Rupe*, 108 Wn.2d 734, 743, 743 P.2d 210 (1987). *But see State v. Barberio*, 121 Wn.2d 48, 51, 846 P.2d 519 (1993) (where only corrective changes are made to a judgment and sentence by a trial court on remand, there is nothing to review on appeal); *see also State v. Kilgore*, 167 Wn.2d 28, 40, 216 P.3d 393 (2009); *State v. Davenport*, 140 Wn. App. 925, 931-32, 167 P.3d 1221 (2007) (however, when a hearing on remand involves only a ministerial correction and no exercise of discretion, the defendant has no constitutional right to be present).

V. CONCLUSION

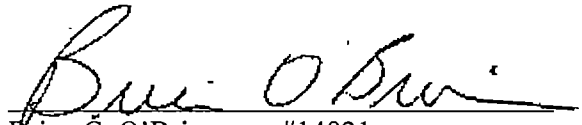
Review is appropriate because the petition was successive and was properly dismissed by the trial court. RAP 13.4(b)(1), (2). The court of appeals failed to abide by the statutory directive requiring dismissal of the

petition contained in RCW 10.73.140, and failed to follow this Court's precedent regarding successive petitions, when it failed to affirm the superior court's dismissal of the petition.

Review is also appropriate because the opinion would authorize collateral relief where no actual prejudice exists; indeed, here, no "realistic" prejudice was shown, in contravention of this Court's established case law. For the above reasons, review of the opinion should be granted.

Respectfully submitted this 4 day of October 2017.

LAWRENCE H. HASKELL
Prosecuting Attorney



Brian C. O'Brien #14921
Deputy Prosecuting Attorney
Attorney for Respondent/Appellant

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, Respondent, v. ROBERT LEE YATES, Appellant.	NO. _____ COA No. 33703-1-III CERTIFICATE OF MAILING

I certify under penalty of perjury under the laws of the State of Washington, that on October 4, 2017, I e-mailed a copy of the Petition for Review in this matter, pursuant to the parties' agreement, to:

Jeffrey Erwin Ellis
jeffreyerwinellis@gmail.com

10/4/2017 (Date) Spokane, WA (Place) (Signature)

SPOKANE COUNTY PROSECUTOR

October 04, 2017 - 4:10 PM

Transmittal Information

Filed with Court:	Court of Appeals Division III
Appellate Court Case Number:	33703-1
Appellate Court Case Title:	State of Washington v. Robert Lee Yates, Jr.
Superior Court Case Number:	00-1-01153-0

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Phone: (509) 477-2873

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FILED
JULY 11, 2017
In the Office of the Clerk of Court
WA State Court of Appeals, Division III

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION THREE

STATE OF WASHINGTON,	)	No. 33703-1-III
	)	
Respondent,	)	
	)	
v.	)	UNPUBLISHED OPINION
	)	
ROBERT LEE YATES, JR.,	)	
	)	
Appellant.	)	

PENNELL, J. — Robert Lee Yates Jr. appeals an order denying a motion for correction of his judgment and sentence under CrR 7.8. We agree that Mr. Yates's judgment and sentence is facially invalid as to counts I and II and correction is appropriate. However, resentencing is unwarranted. This matter is therefore remanded to the superior court for technical corrections to the judgment and sentence without the need for Mr. Yates's presence.

BACKGROUND

The pertinent facts in this case were set forth in our court's prior unpublished opinion and need not be repeated. *See State v. Yates*, No. 33703-1-III (Wash. Ct. App. Sept. 27, 2016) (unpublished), https://www.courts.wa.gov/opinions/pdf/337031_unp.pdf. Our prior opinion determined that Mr. Yates had filed a potentially meritorious petition to vacate his judgment and sentence for first degree murder because the sentences imposed exceeded the trial court's legal authority. Believing we lacked jurisdiction to address Mr. Yates's successive challenge to his sentence, we transferred his case to the Washington Supreme Court for review. The Supreme Court disagreed with our jurisdictional analysis and remanded the matter to this court, noting that because Mr. Yates had obtained a decision on the merits from the superior court under CrR 7.8(b), our court properly held jurisdiction over the matter as an appeal of right. Order, *State v. Yates*, No. 93772-9 (Wash. Jan. 6, 2017).

Subsequent to the Supreme Court's order of remand, Mr. Yates's case was noted for consideration by this court, without oral argument, on June 15, 2017. No further briefing was requested or volunteered.

ANALYSIS

As previously recognized by the Washington Supreme Court, Mr. Yates's judgment and sentence is facially invalid. *In re Pers. Restraint of Yates*, 180 Wn.2d 33, 38-39, 321 P.3d 1195 (2014). While the sentencing court only had authority to impose a 20-year minimum sentence for counts I and II, it instead imposed a 20-year determinate, or maximum, sentence for these counts. *Id.* at 39. The authority for determining the maximum sentence rests with the Indeterminate Sentence Review Board. *Id.* (citing RCW 9.95.011(1)).

The problems with Mr. Yates's judgment and sentence were not sufficient to invalidate his guilty pleas. *Yates*, 180 Wn.2d at 40-41. However, as set forth in our prior opinion, Mr. Yates has shown sufficient prejudice to justify correction of his judgment and sentence. *Yates*, No. 33703-1-III, slip op. at 4.

We therefore remand this matter to the superior court for correction of the judgment and sentence. However, full resentencing is not required. Mr. Yates has merely established a technical flaw in his judgment and sentence. It is well settled, as the law of the case, that Mr. Yates has suffered no realistic prejudice. In addition, in his briefing and argument to the superior court, Mr. Yates has recognized the superior court has no discretion but to impose indeterminate life sentences. Given these circumstances,

correcting counts I and II to reflect indeterminate life sentences (as opposed to determinate 20-year terms as is currently stated) is a ministerial act not requiring Mr. Yates's physical presence. *State v. Ramos*, 171 Wn.2d 46, 48, 246 P.3d 811 (2011).

CONCLUSION

This matter is remanded to the superior court with instructions to correct counts I and II of Mr. Yates's judgment and sentence, along with the recitation of the total term of incarceration, consistent with the terms of this opinion. Mr. Yates's presence is not required during the proceedings on remand.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports, but it will be filed for public record pursuant to RCW 2.06.040.

Pennell, J.

I CONCUR:

Siddoway, J.

No. 33703-1-III

LAWRENCE-BERREY, A.C.J. (dissenting) — Robert Yates seeks resentencing based on a nonconstitutional error. To be entitled to relief, he must demonstrate that a fundamental defect has resulted in a complete miscarriage of justice to him. *In re Pers. Restraint of Carrier*, 173 Wn.2d 791, 818, 272 P.3d 209 (2012). This standard is met when a sentencing court imposes a greater sentence than permitted by law. *In re Pers. Restraint of Goodwin*, 146 Wn.2d 861, 873, 876-77, 50 P.3d 618 (2002).

Here, the sentencing court did not impose a greater sentence than permitted by law. It imposed a lesser sentence. Mr. Yates has failed to establish that the lesser sentence resulted in a complete miscarriage of justice to him. For this reason, I would affirm the trial court's order.

Lawrence-Berrey, A.C.J.

Renee S. Townsley
Clerk/Administrator

(509) 456-3082
TDD #1-800-833-6388

The Court of Appeals of the State of Washington Division III

500 N Cedar ST
Spokane, WA 99201-1905

Fax (509) 456-4288
http://www.courts.wa.gov/courts

July 11, 2017

Jeffrey Erwin Ellis
Law Office of Alsept & Ellis
621 SW Morrison St Ste 1025
Portland, OR 97205-3813
jeffreyerwinellis@gmail.com

E-mail
Brian Clayton O'Brien
Spokane Co Pros Atty
1100 W Mallon Ave
Spokane, WA 99260-2043

CASE # 337031
State of Washington v. Robert Lee Yates Jr.
SPOKANE COUNTY SUPERIOR COURT No. 001011530

Counsel:

Enclosed please find a copy of the opinion filed by the Court today.

A party need not file a motion for reconsideration as a prerequisite to discretionary review by the Supreme Court. RAP 13.3(b); 13.4(a). If a motion for reconsideration is filed, it should state with particularity the points of law or fact which the moving party contends the court has overlooked or misapprehended, together with a brief argument on the points raised. RAP 12.4(c). Motions for reconsideration which merely reargue the case should not be filed.

Motions for reconsideration, if any, must be filed within twenty (20) days after the filing of the opinion. Please file an original and two copies of the motion (unless filed electronically). If no motion for reconsideration is filed, any petition for review to the Supreme Court must be filed in this court within thirty (30) days after the filing of this opinion (may be filed by electronic facsimile transmission). The motion for reconsideration and petition for review must be received (not mailed) on or before the dates they are due. RAP 18.5(c).

Sincerely,

Renee S. Townsley

Renee S. Townsley
Clerk/Administrator

RST:btb
Attachment
c: **E-mail** Honorable Michael P. Price

c: Robert Lee Yates Jr. #817529
Washington State Penitentiary
1313 N. 13th Ave.
Walla Walla, WA 99362

Log Number: U-164
Oral Argument Date:

DO NOT CITE. SEE GR 14.1(a).

Court of Appeals Division III
State of Washington

Opinion Information Sheet

Docket Number: 33703-1
Title of Case: State of Washington v. Robert Lee Yates, Jr.
File Date: 07/11/2017

SOURCE OF APPEAL

Appeal from Spokane Superior Court
Docket No: 00-1-01153-0
Judgment or order under review
Date filed: 07/17/2015
Judge signing: Honorable Michael P Price

JUDGES

Authored by Rebecca Pennell
Concurring: Laurel Siddoway
Dissenting: Robert Lawrence-Berrey

COUNSEL OF RECORD

Counsel for Appellant(s)

Jeffrey Erwin Ellis
Oregon Capital Resource Center
621 Sw Morrison St Ste 1025
Portland, OR, 97205-3813

Counsel for Respondent(s)

Brian Clayton O'brien
Spokane Co Pros Atty
1100 W Mallon Ave
Spokane, WA, 99260-2043

OPINION FACT SHEET

Case Name: State of Washington v. Robert Lee Yates, Jr.
Case Number: 33703-1-III

1. TRIAL COURT INFORMATION:

A. SUPERIOR COURT: Spokane County
Judgment/Order being reviewed: **Order Denying Defendant's CrR 7.8 Motion**
Judge Signing: Michael P. Price
Date Filed: July 17, 2015

2. COURT OF APPEALS INFORMATION:

( )	Affirmed	( )	Other
( )	Affirmed as Modified	( )	Reversed and Dismissed
( )	Affirmed in Part/Remanded**	( )	Remanded **
( )	Affirmed/Rev'd-in part & Remanded	( )	Reversed
( )	Affirmed/Vacated in part	( )	Reversed In Part
( )	Affirmed In Part/Rev'd in Part	(x)	Remanded with Instructions**
( )	Denied (PRP, Motions, Petitions)	( )	Reversed and Remanded **
( )	Dismissed (PRP)	( )	Rev'd, Vacated and Remanded **
( )	Granted/Denied in Part	( )	Vacated and Remanded **
( )	Granted (PRP, Motions, Petitions)		

* These categories are established by the Supreme Court
** If remanded, is jurisdiction being retained by the Courts of Appeals? ( ) YES (x) NO

3. SUPERIOR COURT INFORMATION:

(IF THIS IS A CRIMINAL CASE, CHECK ONE)
Is further action required by the superior court?
(x) YES ( ) NO

RP
Authoring Judge's Initials