

62714-7

62714-7

NO. 62714-7-I

COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION I

STATE OF WASHINGTON,

Respondent,

v.

MICHAEL A. BASSETT,

Appellant.

APPEAL FROM THE SUPERIOR COURT FOR KING COUNTY

THE HONORABLE JEFFREY RAMSDELL

BRIEF OF RESPONDENT

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10/19/11 10:00:00 AM

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10/19/11 10:00:00 AM

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A. ISSUES PRESENTED

1. A defendant's plea of guilty will be accepted by the court if it is made voluntarily and with full knowledge of the consequences of the plea, and there is a factual basis for the plea. A plea of guilty may be withdrawn when the defendant demonstrates a manifest injustice has occurred. Bassett pled guilty, acknowledging that he was doing so voluntarily and that he understood the consequences of his plea. The court found a factual basis for the plea, based on the Certification for Determination of Probable Cause and the defendant's own written statement acknowledging that he shot at the victim four times and he intended to inflict great bodily harm. Later, Bassett found a single witness who would opine that Bassett fired his gun accidentally. Does this newly discovered evidence eviscerate the factual basis for the plea, constituting a manifest injustice?

2. When a defendant enters a guilty plea, the trial court must assure itself that the plea is made competently, voluntarily, and intelligently, with full knowledge of the consequences. The court must also find a factual basis for the plea. Because these safeguards are in place, the court rules provide and the Washington Supreme Court has held that a defendant must show a manifest injustice in order to withdraw his

plea. Should this court instead impose a different standard to Bassett's motion to withdraw his guilty plea?

B. STATEMENT OF THE CASE

1. PROCEDURAL FACTS

On December 3, 2007, the State charged Michael Bassett with one count of Assault in the First Degree with a firearm enhancement and two counts of Assault in the Second Degree. CP 1-2. On January 10, 2008, the State tendered an offer to resolve the case with a plea of guilty as charged. CP 90; 3/20/08 RP 2. When Bassett did not accept the plea in a timely manner, the State amended the charges on March 20, 2008, to three counts of Assault in the First Degree, each with a firearm enhancement, Attempted Robbery in the First Degree, also with a firearm enhancement, and one count of Unlawful Possession of a Firearm in the Second Degree. 3/20/08 RP 11-12; CP 10-13. On March 21, 2008, Bassett, through counsel, pleaded to have the original offer re-extended. CP 93. After some negotiations, the State amended the Information a second time, back to the original charges but with a new recommendation, and on March 26, 2008, Bassett entered a plea of guilty as charged to the Second Amended Information. CP 14-38, 93.

Two months later, and after interviewing Robert Curcio, a witness disclosed at the beginning of the case, Bassett moved to withdraw his plea, citing newly discovered evidence. CP 39-75. That motion was denied. CP 241; see also 7/30/08 RP and 8/5/08 RP. New counsel was appointed due to a conflict that arose regarding the representation. 10/9/08 RP. Bassett was then sentenced within the standard range. CP 252-60. This appeal timely followed. CP 261-70.

2. SUBSTANTIVE FACTS¹

In the early morning hours of November 19, 2007, Michael Hop, Ashley Reda, Keith Russell, and a number of other people were at Sugar, a night club on Capitol Hill. The music was playing loudly and the dance floor was crowded. Bassett, a convicted felon and self-proclaimed gang member, was also present; he was armed with a firearm. At some point, Russell and Bassett got into an altercation. Bassett pulled out his firearm, identified by bullet casings as a .380 caliber, likely double action semi-automatic handgun, and fired it four times in Russell's direction. He hit Russell twice in the abdomen and groin area. He also hit Reda in the leg and Hop in the hand. Bassett then fled the night club. He was identified quickly by a number of patrons at the club, both through

¹ See CP 3-8, 95-162, 237-38.

pictures Bassett had posted on MySpace and later through montages. Once arrested, Bassett denied being the shooter, although he admitted he was at the club and placed himself at the location of the shooting at the time of the incident. He also denied to his girlfriend that he was the shooter.

C. ARGUMENT

1. THE COURT CORRECTLY DENIED BASSETT'S MOTION TO WITHDRAW HIS PLEA BECAUSE THERE WAS NO MANIFEST INJUSTICE.

Bassett claims that the trial court erred in failing to grant his motion to withdraw his guilty plea. But his plea was made knowingly, intelligently, and voluntarily, after he was made aware of the consequences of his plea. Further, Bassett has failed to show that a manifest injustice has occurred. His claim should be rejected.

A motion to withdraw a plea of guilty prior to sentencing is governed by CrR 4.2(f). That rule states, in pertinent part, that “[t]he court shall allow a defendant to withdraw the defendant’s plea of guilty whenever it appears that the withdrawal is necessary to correct a manifest injustice.” A manifest injustice is one which is obvious, directly observable, and not obscure. State v. Taylor, 83 Wn.2d 594, 596, 521 P.2d 699 (1974). Four indicia of manifest injustice have been recognized

by the Washington State Supreme Court: 1) the defendant was denied effective assistance of counsel; 2) the plea was not ratified by the defendant; 3) the plea was involuntary; 4) the plea agreement was not kept by the prosecution. Taylor, 83 Wn.2d at 597. A defendant has the burden of establishing a manifest injustice “in light of all the surrounding facts of his case.” State v. Dixon, 38 Wn. App. 74, 76, 683 P.2d 1144 (1984). Proving a manifest injustice is a demanding standard, made so because of the many safeguards taken when a defendant enters a guilty plea. State v. Hystad, 36 Wn. App. 42, 45, 671 P.2d 793 (1983). A trial court’s denial of a defendant’s motion to withdraw his plea will be overturned only in the case of an abuse of discretion. State v. Marshall, 144 Wn.2d 266, 280-81, 27 P.3d 192, 199 (2001).

a. Bassett’s “Newly Discovered Evidence” Is Not A Basis To Withdraw His Plea Of Guilty.

Bassett asserts that newly discovered evidence “mandates” that he be permitted to withdraw his guilty plea. This claim misstates Washington law. Where a defendant has pled guilty and, through allocution, provided a factual basis for the plea, the discovery of new evidence that might have changed the defendant’s decision to enter a plea of guilty does not create a manifest injustice.

Newly discovered evidence is not one of the enumerated indicia of manifest injustice that would permit a defendant to withdraw his plea. Compare Taylor, 83 Wn.2d at 597. Indeed, the “newly discovered evidence” language comes from court rules governing the granting of a new trial, not withdrawal of a plea of guilty. See CrR 7.5, 7.8(b)(2). Nonetheless, there is some case law supporting the proposition that, in limited circumstances, discovery of new evidence may form the basis for a motion to withdraw a plea when that evidence eviscerates the factual basis for the plea. This case law grows out of CrR 4.2(d), which requires the court accepting the plea to find that there is a factual basis for the plea. That factual basis need not be such as to convince the plea court of the defendant’s guilt beyond a reasonable doubt, but must rather be of such a quality that a rational trier of fact could find a basis to convict the defendant of the charge. State v. Newton, 87 Wn.2d 363, 370, 552 P.2d 682 (1976). Because a factual basis is a requirement of a valid plea under CrR 4.2(d), several cases have permitted a defendant to withdraw a guilty plea when new and credible evidence completely vitiates the factual basis for the plea.

For instance, in State v. D.T.M., 78 Wn. App. 216, 896 P.2d 108 (1995)—the only case cited by Bassett on this issue—a defendant entered an Alford plea of guilty to one count of Child Molestation in the First

Degree. After his plea, the sole witness to the charge recanted her allegations. Because the child's allegations provided the only factual basis for the defendant's plea, the court determined that an evidentiary hearing was necessary and, if the recantation was determined to be credible, the defendant would be permitted to withdraw his plea. D.T.M., 78 Wn. App. at 221.

The use of newly discovered evidence as a basis for a withdrawal of a plea, however, has been extremely limited by the courts to cases where the new evidence completely eviscerates the factual basis for the plea. Thus, in In re Clements, 125 Wn. App. 634, 106 P.3d 244 (2005), the court upheld the denial of a motion to withdraw a guilty plea—despite the fact that the primary witness recanted and the defendant had entered an Alford plea—because there was other evidence in the record to establish a factual basis for the plea. (A Washington Supreme Court commissioner also agreed with this reasoning. See In re Clements, 154 Wn.2d 1020, 120 P.3d 548 (2005).) Similarly, in State v. Ice, 138 Wn. App. 745, 158 P.3d 1228 (2007), the defendant entered an Alford plea to Vehicular Assault and Vehicular Homicide. When a new witness was found who provided exculpatory evidence, the defendant moved to withdraw his plea. The court held that the newly discovered evidence did not create a manifest

injustice allowing the defendant to withdraw his plea, because there was still ample evidence in the record to provide a factual basis for the plea.

Not surprisingly, the only cases that have permitted a defendant to withdraw his plea of guilty when new evidence was discovered have involved Alford pleas. In an Alford plea, the defendant does not admit guilt, but pleads guilty to take advantage of the State's plea bargain, and allows the court to examine other evidence in order to determine that there is a factual basis for the plea. Newton, 87 Wn.2d 363. In an ordinary or "straight" plea, however, the defendant himself provides the factual basis for the plea, sometimes in conjunction with other evidence. Accordingly, despite any "newly discovered evidence," there will still remain a factual basis for the plea. So, for instance, in State v. Arnold, 81 Wn. App. 379, 914 P.2d 762 (1996), the defendant entered a straight plea of guilty to two counts of Assault in the Fourth Degree. The victim of one of the assaults later recanted. The court upheld the denial of the defendant's motion to withdraw his guilty plea, noting that the court's acceptance of the plea was based not solely on the now-recanting victim's testimony, but also on the defendant's own statement.

In short, Washington courts have found that newly discovered evidence forms the basis for a defendant to withdraw a plea of guilty only where (1) that evidence is credible, and (2) that evidence eviscerates the

factual basis for the plea, which can only occur in the context of an Alford plea. Neither situation exists here.

i. Bassett's new evidence is not credible.

Bassett's "discovery" of new evidence, in the form of a more complete statement from an eyewitness known to both parties from the time of filing, should not form the basis for withdrawal of his plea. Curcio's statement is not credible and should be rejected.

First, Curcio's statement contradicts his previous statements in a number of respects. The primary difference, of course, is that he now claims that he clearly saw the shooting, and that the shooting was accidental. Compare CP 95-162 with CP 237-38. (He also claims that he told the interviewing detective that the shooting was accidental, but the handwritten statement that Curcio signed nowhere includes the word "accident." See CP 235-38.)

Second, Curcio's statements to the defense were provided five months after the shooting instead of moments afterward, as his first statements were. Further, he repeatedly told the defense investigators that his memory was not good, and that he was "preoccupied" in the moments just before the shooting, as he was texting, calling, and picking up

voicemails from his girlfriend while dancing with another woman. See CP 104, 107, 111-15, 118, 120-23.

Third, the claim of accident is inconsistent with the statements of other witnesses and the physical evidence. For instance, the firearm used in the shooting was likely a .380 caliber double action semi-automatic handgun. Four shots were fired. With this firearm, the trigger needs to be pulled four times with seven to ten pounds or more of force to fire four rounds. Witnesses consistently described a pause between the gunshots. CP 163-66. This evidence is entirely inconsistent with an accidental shooting. Similarly, Curcio describes Russell and Bassett dancing, then Russell stumbling into Bassett, causing the altercation. But Russell explained that he was leaving the dance floor when he got into an altercation with Bassett, and all of the other witnesses describe Bassett then pushing or dragging Russell out onto the dance floor before shooting him. Indeed, Curcio's statement is internally inconsistent—he claimed both that he was standing on a step above Bassett and Russell when a bullet whizzed by his head, and that Bassett fired downwards. Further, although four shots were fired, and four bullets and four bullet casings were recovered, none damaged the wooden dance floor, as should have been the case if Bassett fired down.

Fourth, the new claim that the shooting was accidental is inconsistent with Bassett's own defense, that of denial. He told the police and his girlfriend that he was not the shooter. In fact, it is unclear how Bassett could "newly discover" that his own mental state at the time of the crime was not intent to inflict great bodily harm, but accident.

In short, Curcio's suggestion that the shooting was accidental is completely at odds with all of the other evidence, including his own. Indeed, the trial court implicitly discredited his statement. 8/5/08 RP 40-44 (describing the statement as "all over the map" and Curcio as saying "several different things," noting the contradiction between Curcio's claim that Bassett was not a good shot and the fact that Bassett twice hit his intended target, and concluding that "it's not a particularly persuasive argument"). Curcio's statement should be rejected as incredible.

- ii. Even if Curcio's statement is credible, it does not eviscerate the factual basis for the plea.

The "newly discovered evidence" in the form of Curcio's statements to the defense, even if credible, does not in any way undermine the factual basis for Bassett's plea. At the time of his plea, Bassett agreed to the real facts laid out in the Certification for Determination of Probable Cause; the plea agreement and Certification are attached to his Statement

of Defendant on Plea of Guilty and provide a substantial factual basis for his plea. CP 26-33. Moreover, Bassett did not enter an Alford plea.

Instead, his statement reads,

On 11/19/07 in King County, Washington, I with intent to inflict great bodily harm did assault Keith Russell with a firearm, a means likely to produce great bodily harm or death, and did inflict great bodily harm on Keith Russell. On 11/19/07, in King County, Washington, I did intentionally assault Ashley Reda with a deadly weapon, a firearm. On 11/19/07, in King County, Washington, I did intentionally assault Michael Hop with a deadly weapon, a firearm. I did all this by taking a firearm into a dance club, shooting at Keith Russell four times on the dance floor, hitting Russell, Reda, & Hop.

CP 22-23.

Bassett's own statement, therefore, provides a substantial factual basis for his plea, as does the Certification for Determination of Probable Cause. And, even taken in the best light, Curcio's evidence would only provide a basis to claim that Bassett's first shot was accidental—but as he then fired the gun three more times, hitting a total of three victims, including Russell twice, the shooting as a whole could not be found to be an accident. Thus, the identification of newly discovered evidence in the form of a single witness who has changed his version of events—while helpful to a potential defense—does not vitiate the factual basis for the plea. There was no manifest injustice warranting withdrawal of Bassett's pleas of guilty.

b. Bassett's Plea Was Not Involuntary.

Bassett claims that he was coerced into entering a plea of guilty. But he affirmed in court and in writing that his plea was made voluntarily, and the plea judge found it to be voluntarily made. Indeed, Bassett does not even assign error to the plea judge's acceptance of the plea in the first instance, only to the sentencing court's refusal to permit him to withdraw that plea once Curcio provided an additional and contradictory statement. The fact that Bassett came to regret his choice does not retroactively make that choice involuntary.

An involuntary plea creates a manifest injustice justifying withdrawal of a plea of guilty. Taylor, 83 Wn.2d at 597. "The voluntariness of a plea is determined by considering the relevant circumstances surrounding it. A guilty plea is involuntary and invalid if it is obtained by mental coercion overbearing the will of the defendant." State v. Williams, 117 Wn. App. 390, 398, 71 P.3d 686, 690 (2003) (citing Brady v. United States, 397 U.S. 742, 749-50, 90 S. Ct. 1463, 25 L. Ed. 2d 747 (1970)). "Whether a plea is knowingly, intelligently, and voluntarily made is determined from a totality of the circumstances." State v. Branch, 129 Wn.2d 635, 642, 919 P.2d 1228 (1996).

In judging the voluntariness of the plea, the reviewing court may rely on the defendant's written statement on plea of guilty.

When a defendant fills out a written statement on plea of guilty in compliance with CrR 4.2(g) and acknowledges that he or she has read it and understands it and that its contents are true, the written statement provides prima facie verification of the plea's voluntariness. . . . When the judge goes on to inquire orally of the defendant and satisfies himself on the record of the existence of the various criteria of voluntariness, the presumption of voluntariness is well nigh irrefutable.

State v. Perez, 33 Wn. App. 258, 261-62, 654 P.2d 708 (1982) (citations omitted). The trial court is justified in relying upon the plea statement and the defendant's representation that the statements are true. In re Keene, 95 Wn.2d 203, 622 P.2d 360 (1980).

Here, Bassett signed and repeatedly initialed a ten-page document entitled Statement of Defendant on Plea of Guilty to Felony Non-Sex Offense. CP 14-23. The form outlined the charges against him, the rights he was giving up, his standard range on each offense, the fact that the offenses were most serious offenses (i.e. strike offenses), the fact that a firearm enhancement on count I carried a mandatory 60 months of total confinement run consecutive to the rest of his sentence, and a variety of other consequences of entering the pleas of guilty. The document detailed the recommendation the State would make to the court at sentencing. The statement also reads:

8. I make this plea freely and voluntarily.
9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

Bassett signed this statement, acknowledging that he understood it, and his attorney signed the document as well, affirming that he believed that Bassett fully understood the statement. The court found that the plea was made voluntarily with full knowledge of the consequences.

Despite this record, Bassett now complains that his plea was involuntary. He first points to the fact that the plea colloquy was not recorded.² While true, Bassett does not dispute that a plea colloquy in fact occurred at which he was asked a number of questions regarding his understanding of the plea documents and the consequences of pleading guilty. CP 207-09, 239-40. Accordingly, the presumption that the defendant's plea was voluntary is "well nigh irrefutable."

Bassett also claims that his tearfulness during the plea colloquy—a fact that is not disputed despite the incomplete record—demonstrated that the plea was involuntary. Indeed, Bassett now asserts that he had "confusion over whether to plead guilty stemm[ing] from his feeling that he could not mount a credible defense," and that he "felt serious pressure

² Bassett points to no cases supporting a withdrawal of a plea on the basis that the recording equipment malfunctioned, or where there is no record of the oral colloquy.

to plead at the time of the plea.” Appellant’s Opening Brief at 20. But these latter claims are bare assertions and speculation; Bassett had ample opportunity to provide evidence by way of a declaration or testimony at his motion to withdraw his plea, and chose not to do so. Moreover, none of these contentions support a finding that the plea was involuntary. Instead, they support a finding only that the decision to plead guilty was a difficult one—hardly a surprising conclusion when a young man is faced with the choice between pleading guilty to crimes that result in a standard range of 222 to 276 months, or going to trial on charges that, if convicted, would result in a standard range of 540-646 months.³

In short, the defendant did not like the two choices he faced at the time of his plea. The mere fact that a defendant must choose between two unattractive options does not make a plea involuntary. Compare Brady v. United States, 397 U.S. 742, 749-50, 90 S. Ct. 1463, 25 L. Ed. 2d 747 (1970) (holding that a guilty plea is not compelled simply because a defendant chose to accept a particular known penalty rather than risk a more serious sentence after trial). The fact that he was manifestly upset at the time of his plea does not constitute a manifest injustice.

³ See 3/20/08 RP 2-3. The Record of Proceedings for this date contains a typographical error; the correct range on the First Amended Information was 540 to 646 months, not 240 to 646 months.

2. THIS COURT SHOULD REJECT BASSETT'S INVITATION TO CREATE A NEW STANDARD FOR MOTIONS TO WITHDRAW A PLEA OF GUILTY.

Bassett argues that, “when there are ‘fair and just’ reasons to withdraw a guilty plea and no sentence has yet been imposed, the court should liberally permit withdrawal.” Appellant’s Opening Brief at 9; see generally 7-11. Indeed, he implies that failure to adopt such a standard is a violation of due process. Appellant’s Opening Brief at 11. But the clearly articulated standard for withdrawal of a guilty plea in this state is demonstration of a manifest injustice. This standard does not violate due process. Moreover, even if the “fair and just” standard applies, Bassett’s claims fail to meet it.

First, as discussed at length above, see section C.1 supra, CrR 4.2(f) sets forth the standard by which to judge a motion to withdraw a plea of guilty. That standard requires that the defendant demonstrate that a “manifest injustice” has occurred. See also Taylor, 83 Wn.2d 594. While other jurisdictions and the American Bar Association may have adopted different standards, Washington has not, and its standard is clear.

Prior to the adoption of CrR 4.2, Washington had a more liberal standard for withdrawal of a guilty plea. That standard was governed by RCW 10.40.175, which provided that the trial court could permit a plea of

guilty to be withdrawn at any time prior to entry of judgment. See, e.g., State v. Harris, 57 Wn.2d 383, 357 P.2d 719 (1960); former RCW 10.40.175. Even under this rule, however, a reason had to be given, although courts were to exercise their discretion “liberally in favor of life and liberty.” Harris, 57 Wn.2d at 385. This statute, however, has been repealed in favor of CrR 4.2, which provides the “manifest injustice” standard. Taylor, 83 Wn.2d at 595. The Taylor court explicitly rejected a more liberal standard in favor of manifest injustice. Id.

Bassett seems to suggest due process requires a more liberal standard than CrR 4.2(f) provides, citing Mathews v. Eldridge, 424 U.S. 319, 335, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976), for the assertion that “a more forgiving standard [should] be applied when a request to withdraw a guilty plea follows closely after the plea and sentencing.” See Appellant’s Opening Brief at 11. But Mathews v. Eldridge does not stand for this proposition. Instead, the citation merely provides criteria for judging whether the procedures provided by the State meet the standard for due process, that is, whether the procedures are adequate to protect an individual’s interests. The criteria to be considered are: (1) the private interests affected; (2) the risk of erroneous deprivation of those interests through the procedures used, and the probable value, if any, of substitute procedural safeguards, and (3) the government’s objectives and interests,

including the function involved and the fiscal or administrative burdens entailed by additional or different procedural requirements. Mathews v. Eldridge, 424 U.S. at 334-35.

Here, there is no dispute that Bassett's interests are significant. Prior to the entry of his plea, Bassett had every right to require the State to prove beyond a reasonable doubt that he committed the crimes charged, and his deprivation of liberty—whether he pled guilty or was convicted after trial—is substantial.

But Bassett glosses over the fact that the procedures used to ensure that his private interests were not erroneously deprived were significant. CrR 4.2 mandates the use of a written plea statement that details the defendant's right, the elements of the crimes charged, the consequences of the plea, and numerous other items. CrR 4.2(g). The rule also requires that the court satisfy itself that the defendant is entering the plea voluntarily, competently, with an understanding of the nature of the charge and the consequences of the plea, and that there is a factual basis for the plea, before accepting it. CrR 4.2(d). These procedures involve a significant inquiry into a defendant's state of mind at the time of the plea, and are adequate to ensure that his rights are not erroneously deprived. Compare Taylor, 83 Wn.2d at 596-97.

Additionally, there is a substantial burden on the State if a plea can be withdrawn merely on the basis of the discovery of new evidence that may change a defendant's evaluation of his risks at trial. These costs are not merely the fiscal costs of a trial, which while substantial must ultimately be borne if a defendant exercises his constitutional right to a trial, but also the costs to victims and the finality of the plea. In this case, Bassett shot three people, who suffered serious wounds; each of them would need to testify at trial—a trial they had been led to believe would not occur as Bassett had accepted responsibility for his actions.

Further, a guilty plea is not a placeholder, or a way for the defendant to preserve the State's best offer to resolve the case while he looks for mitigating evidence to try to get a better result later. Instead, the plea is a contract between the defendant and the State of Washington, and represents a balancing of costs and benefits for both sides. After all, Bassett pled guilty to reduced charges. At the time of the plea hearing, the pending charges were three counts of Assault in the First Degree and one count of Attempted Robbery in the First Degree, all with firearm enhancements, and one count of Unlawful Possession of a Firearm in the Second Degree. Allowing him to plead guilty to reduced charges, then

vacate his plea when he found some additional evidence that strengthened his position, would be letting him have his cake and eat it too, and could result in an endless cycle of renegotiations.

Finally, even if this court were to adopt a more liberal standard, and allow a defendant to withdraw his plea if it were “fair and just to do so,” Bassett has not met even that lower standard. As discussed above, the new evidence is not credible or compelling, and there is substantial other evidence in the record, including Bassett’s own admissions, to provide a factual basis for the plea. While the decision to plead guilty may have been a difficult one, it is a choice that Bassett voluntarily made. There is nothing unfair about holding him to the benefit of his bargain.

D. CONCLUSION

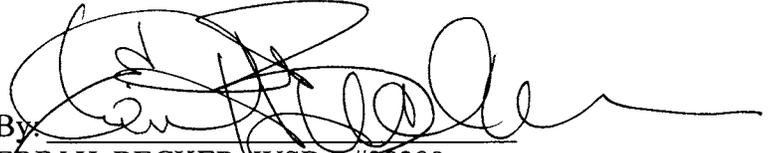
This Court should adhere to the manifest injustice standard for withdrawals of pleas of guilty, as it provides adequate safeguards to protect a defendant’s rights. Further, Bassett’s motion to withdraw his guilty plea was properly denied, as his newly discovered evidence did not eviscerate the basis for his plea, and his plea was voluntarily made. The

lower court's denial of Bassett's motion to withdraw his plea should be affirmed.

DATED this 21st day of August, 2009.

Respectfully submitted,

DANIEL T. SATTERBERG
King County Prosecuting Attorney

A handwritten signature in black ink, appearing to read "Erin H. Becker", written over a horizontal line.

By: Erin H. Becker
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Certification of Service by Mail

Today I deposited in the mail of the United States of America, postage prepaid, a properly stamped and addressed envelope directed to Nancy P. Collins, the attorney of record for the appellant, at the following address: Washington Appellate Project, 1511 Third Avenue, Suite 701, Seattle, WA 98101-3635, containing a copy of the Brief of Respondent, in STATE V. MICHAEL A. BASSETT, Cause No. 62714-7-I, in the Court of Appeals, Division I, of the State of Washington.

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

Eileen Miyashiro
Done in Seattle, Washington

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Date

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