

No. 68352-7-I

**COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION ONE**

STATE OF WASHINGTON, Respondent,

v.

KAREN ELIZABETH AMADOR, Appellant.

BRIEF OF RESPONDENT

DAVID S. McEACHRAN,
Whatcom County Prosecuting Attorney
By HILARY A. THOMAS
Appellate Deputy Prosecutor
Attorney for Respondent
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COURT OF APPEALS
STATE OF WASHINGTON
DAVID S. McEACHRAN

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A. ASSIGNMENTS OF ERROR

None.

B. ISSUES PERTAINING TO APPELLANT'S ASSIGNMENTS OF ERROR

1. Whether the case should be remanded for entry of findings of fact and conclusions of law where the judge found the defendant guilty of first degree theft, but no written findings were entered and the judge didn't make specific oral findings.

C. SUMMARY

Appellant Amador asserts that the case should be remanded for entry of findings of fact and conclusions of law related to the trial court's finding of guilt on the charge of Theft in the First Degree. The State concedes that the trial court failed to enter written findings of fact and conclusions of law and failed to make specific findings at the time it rendered its decision as to Amador's guilt. The State therefore agrees that the case should be remanded for entry of findings of fact and conclusions of law.

D. FACTS

Amador was charged with Theft in the First Degree. CP 23-24; 32-33. She waived jury trial and was found guilty after a two week bench trial. CP 29; RP 575. At the time the court found Amador guilty on the charge of Theft in the First Degree, it did not make detailed findings of

fact or conclusions of law orally on the record. RP 575. It also did not enter any such written order prior to sentencing Amador or before Amador filed her opening brief.

E. ARGUMENT

- 1. The case should be remanded for entry of findings of fact and conclusions of law because none have been entered related to the theft conviction as required by CrR 6.1.**

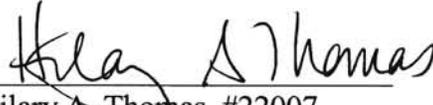
CrR 6.1 and case law require that findings of fact and conclusions of law be entered in bench trials. CrR 6.1 requires the trial court to enter written findings of fact and conclusions of law in a bench trial. CrR 6.1(d); State v. Head, 136 Wn.2d 619, 622, 964 P.2d 1187 (1998). The purpose of the rule is to permit appellate review. *Id.* The remedy for failure to enter findings of fact and conclusions of law is remand for the entry of such findings. *Id.*

Here, the trial court found Amador guilty of theft in the first degree beyond a reasonable doubt but failed to make any specific findings or conclusions on the record. No written findings or conclusions have been entered either thus far. The matter should be remanded to the trial court to enter written findings of fact and conclusions of law as required by CrR 6.1.

F. CONCLUSION

For the reasons set forth above, the State concedes that this matter should be remanded for entry of findings of fact and conclusions of law as required by CrR 6.1(d).

Respectfully submitted this 9th day of November, 2012.

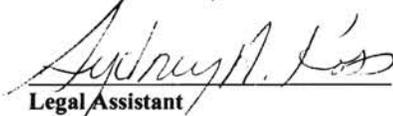


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CERTIFICATE OF SERVICE

I certify that on this date I placed in the United States mail with proper postage thereon, or otherwise caused to be delivered, a true and correct copy of the document to which this certificate is attached, to this Court, and appellant's counsel, MAUREEN CYR, addressed as follows:

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 11/9/2012
Legal Assistant Date