

70703-5

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NO. 70703-5-I

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

STATE OF WASHINGTON,

Respondent,

v.

DANIEL GLENN ROADRUCK,

Appellant.

FILED
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STATE OF WASHINGTON
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ON APPEAL FROM THE SUPERIOR COURT OF
SAN JUAN COUNTY, STATE OF WASHINGTON
Superior Court No. 13-1-05012-6

BRIEF OF RESPONDENT

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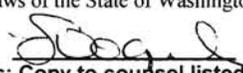
SERVICE	Eric J. Nielsen 1908 E Madison Street Seattle, WA 98122-2842 Email: nielsene@nwattorney.net	This brief was served, as stated below, via U.S. Mail or the recognized system of interoffice communications, <i>or, if an email address appears to the left, electronically.</i> I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. DATED April 23, 2014, Port Orchard, WA  Original e-filed at the Court of Appeals; Copy to counsel listed at left.
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TABLE OF AUTHORITIES

None cited.

I. COUNTERSTATEMENT OF THE ISSUE

1. Whether the cause should be remanded to correct the scrivener's error in the judgment and sentence? [CONCESSION OF ERROR]?

II. STATEMENT OF THE CASE

Solely for the purposes of the present appeal, the State accepts the appellant's statement of the case.

III. ARGUMENT

THE STATE HAS NO OBJECTION TO REMANDING THE MATTER TO CORRECT THE JUDGMENT AND SENTENCE.

Roadruck argues that the count numbers on the first page of the judgment do not match the count numbers of the offenses of which he was convicted. Specifically Counts III, IV and V were sent to the jury, which found Roadruck guilty of the offenses charged in those counts. CP 54-55, 58, 61-63. The first page of the judgment confusingly labels the three counts of conviction as Counts I, II and III. CP 64. Later portions of the judgment, as well as the warrant of commitment, refer, correctly, to Counts III, IV and V. CP 65-66, 85. The State has no objection to a remand to correct this obvious scrivener's error.

Because counsel has raised no other issue and Roadruck has not filed a statement of additional grounds, the State assumes that the scope of

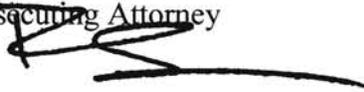
the remand will be limited to making the correction discussed.

IV. CONCLUSION

For the foregoing reasons, Roadruck's conviction and sentence should be affirmed, but the matter remanded to correct the scrivener's error in the judgment and sentence.

DATED April 23, 2014.

Respectfully submitted,
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