

NO. 46134-0-II

**IN THE COURT OF APPEALS OF THE STATE OF
WASHINGTON,**

DIVISION II

STATE OF WASHINGTON,

Respondent,

vs.

ADAM CHARLES BOUCK,

Appellant.

RESPONDENT'S BRIEF

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I. REPLY TO ASSIGNMENTS OF ERROR

1. The defendant's counsel was ineffective, but no prejudice resulted. Therefore, his right to counsel was not infringed.
2. The defendant's plea was knowing, voluntary, and intelligent. The record indicates a sufficient factual basis for the plea, and indicates the defendant understood the consequences of his plea.
3. The defendant's convictions for Counts I and II do not merge for purposes of double jeopardy.
4. The sentencing court did not err in sentencing the defendant with an offender score of three, as Counts I and II did not comprise the same criminal conduct.
5. The sentencing court did not err in sentencing the defendant with an offender score of three, as he agreed that his California conviction for Evading a Police Officer was a felony.

II. STATEMENT OF THE CASE

The defendant, Adam Bouck, pleaded guilty to one count of Robbery in the second degree and two counts of Assault in the third degree on May 21, 2013. CP 3 – 15. These charges were the result of an incident where the defendant shoplifted from Wal-Mart and, while getting away from security, had a raised fist showing a threat of force. CP 11. He was then followed by a Good Samaritan, Mr. Weitman, and pulled a knife on him. *Id.* Attached to the defendant's statement on plea of guilty was a copy of the amended plea agreement, indicating that the defendant agreed

that the Prosecutor's statement of criminal history is accurate and that all out-of-state convictions used to calculate the offender score are the equivalent of Washington felonies. CP 15. The defendant's attorney signed this form.

At the plea hearing, the court stated that the defendant's offender score is three and the defendant indicated he understood that. RP 5. The colloquy indicates that the defendant understood the rights he was giving up by pleading guilty, as well as the charges against him. RP 5–9. Then, at sentencing, the defendant's attorney indicated that the defendant had a point for an Eluding charge from California that was a felony. RP 13. The defendant was sentenced to the agreed recommendation of 34 months. RP 9, 16–17; CP 17. At no point did the defendant indicate that he did not understand the consequences of his plea.

However, the defendant then filed a motion to withdraw his plea. CP 29. He was appointed an attorney who filed additional pleadings, and an evidentiary hearing was held. CP 31–51; RP 22, 30–88. The court denied the defendant's motion, finding that, though the defendant was given inaccurate legal advice, he was not prejudiced. RP 100–103, CP 86–89.

III. ARGUMENT

A. THE TRIAL COURT PROPERLY DENIED THE DEFENDANT'S MOTION TO WITHDRAW HIS GUILTY PLEA EVEN THOUGH HE RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL BECAUSE HE WAS NOT PREJUDICED.

To establish ineffective assistance of counsel, a defendant must show both that counsel's performance was deficient and that the deficiency prejudiced the defendant. *Strickland v. Washington*, 446 U.S. 668, 687, 104 S. Ct. 2052 (1984); *State v. Thomas*, 109 Wn.2d 222, 225, 743 P.2d 816 (1987). The right to effective assistance of counsel includes the plea process, and faulty advice can render a plea involuntary or unintelligent. *State v. Sandoval*, 171 Wn.2d 163, 169, 249 P.3 1015 (2011). To establish that a plea was involuntary or unintelligent due to ineffective assistance of counsel, the defendant must satisfy the two-part *Strickland* test. *Id.* In this case, the State concedes that the defendant's attorney was ineffective, as he gave the defendant legally incorrect advice. CP 88. However, the defendant still must establish that he was prejudiced by his attorney's ineffectiveness. He cannot do so here.

In a case where a defendant seeks to withdraw his plea, he must affirmatively prove prejudice – it is insufficient to show that the error “had some conceivable effect on the outcome” of the trial. *State v. Crawford*, 159 Wn.2d 86, 99, 147 P.3d 1288 (2006). Therefore, in order to prove

that he suffered prejudice, the defendant must show that “there is a reasonable probability that, but for counsel’s errors, he would not have pleaded guilty and would have insisted on going to trial.” *Sandoval*, 171 Wn.2d at 174–75, quoting *In re Riley*, 122 Wn.2d 772, 780–81, 863 P.2d 554 (1993). A reasonable probability exists if the defendant “convinces the court that a decision to reject the plea bargain would have been rational under the circumstances.” *Id.* The defendant here cannot show a reasonable probability that he would have gone to trial.

In *State v. Stowe*, 71 Wn. App. 182, 858 P.2d 267 (Div. 2, 1993), the defendant was able to prove that he would have gone to trial but for his attorney’s incorrect advice. In that case, the defendant was charged with Assault in the second degree against his seven week old child, and the State offered to recommend the low end of the standard range (3 months) if he pleaded guilty. *Id.* at 184. The defendant rejected this offer, maintaining his innocence. He refused to enter any plea agreement unless he was assured he could continue his career in the military. *Id.* at 184-85. Defense counsel, using unreliable information, incorrectly informed the defendant that he would be able to remain in the Army even after pleading guilty. *Id.* at 185. Division Two found that defense counsel’s incorrect advice prejudiced the defendant. The Court noted that the defendant specifically asked about the impact a plea would have on his military

career and relied on the attorney's response in deciding to plead guilty. *Id.* at 189. He also maintained his innocence and stated his desire to go to trial. *Id.*

As *Stowe* demonstrates, there must be something more than bare assertions that the defendant would not have pled guilty if given correct advice. *Stowe* repeatedly maintained his innocence and demanded a trial. The defendant in this case, on the other hand, did not categorically reject any plea offers and demand a trial. RP 51. He remained open to negotiation. Furthermore, unlike in *Stowe*, there defendant here gave no requirements in the record for a plea. There is no affirmative proof of prejudice in this case.

Furthermore, the State could have filed a charge of Assault in the second degree, a class B felony, with a deadly weapon enhancement and a potential aggravator of a Good Samaritan. The State could also have amended the Robbery charge as to Mr. Weitman to Assault in the second degree at any time until they rested their case at trial. *State v. Dallas*, 126 Wn.2d 324, 327, 892 P.2d 1082 (1995). It makes little sense that the defendant would have rejected the plea offer to a Robbery 2 and two counts of Assault in the third degree, especially given that his understanding was that his range would have been the same if he had gone to trial on two counts of Robbery in the first degree or one count of first-

degree Robbery and one count of second- degree Assault. RP 43, 85.

Ultimately, this is not a case where the defendant is maintaining his innocence and there is nothing in the record to corroborate his claim of prejudice. Therefore, the defendant should not be allowed to withdraw his plea.

B. THE DEFENDANT’S PLEA TO COUNT III WAS KNOWING, VOLUNTARY, AND INTELLIGENT, AND THERE WAS A FACTUAL BASIS FOR THE PLEA.

Where a defendant has an understanding of the law in relation to the facts, his plea is voluntary and there is no constitutional violation. *In re Pers. Restraint of Keene*, 95 Wn.2d 203, 209, 622 P.2d 360 (1980). The requirement of a factual basis is “couched entirely in terms of reference to CrR 4.2(d)... and does not refer to constitutional principles.” *In re Hilyard*, 39 Wn. App. 723, 726, citing *Keene*, 95 Wn.2d at 209-10. Strict adherence to the rule is not constitutionally required. *Id.* At 727. The requirement that the trial court find a factual basis is not to be confused with the constitutional requirement that the defendant have an understanding of the nature of the charge. *Id.*

The constitutional requirements of a voluntary guilty plea are that the defendant be aware that he is waiving the rights to remain silent and to a jury trial, of the essential elements of the offense charged, and of the

consequences of pleading guilty. *State v. Holsworth*, 93 Wn.2d 148, 153–57, 607 P.2d 845 (1980).

Here, all of the constitutionally required elements were present when the defendant entered his guilty plea. Prior to the plea, the State filed an amended information charging one count of Robbery in the first degree and two counts of Assault in the Third Degree. CP at 1-2. The amended information contained all of the necessary elements to support both charges. *Id.* The defendant, through his attorney, entered a Statement of Defendant on Plea of Guilty. CP 3-15. When asked, the Appellant unequivocally stated that he understood that he was waiving his rights by entering his guilty plea. RP at 4. The defendant likewise indicated that he understood what charges he was pleading guilty to. *Id.*

The facts of this matter essentially mirror that of *Hilyard*. Any error in not ascertaining a factual basis for the plea is not a constitutional violation. The record in this case supports the finding that there was a factual basis for the defendant's guilty plea. The amended information was incorporated, the defendant indicated that he understood the charges he was pleading guilty to, and he admitted to assaulting Mr. Weitman. CP 3-15; RP 4, RP 7. The defendant's plea was entered pursuant to a negotiated plea agreement. The State and defense agreed on the charges to be pleaded to as well as the sentence to be recommended, including an

exceptional sentence. CP 15. Pursuant to the plea, the defendant agreed to waive his rights to a jury trial, to remain silent, the right to confront witnesses, the right to be presumed innocent, and the right to appeal. RP 4. Simply put, the defendant was fully apprised of his rights prior to his guilty plea, and he agreed to waive those rights. Thus, the defendant cannot now raise this issue on appeal.

Even if the defendant can raise this issue on appeal, his argument fails. A plea does not become invalid because an accused chooses to plead to a related charge in order to gain the benefit of a plea offer. *In re Barr*, 102 Wn.2d 256, 270, 684 P.2d 712 (1984). The choice to plead to the other charge is voluntary if it is based on “an informed review of all the alternatives before the accused.” *Id.* In this case, the defendant stated numerous times that he was pleaded guilty in order to gain the benefit of the plea offer. First, in his Statement of Defendant on Plea of Guilty, he stated that he was giving up the defense of self-defense for the benefit of the offer. CP 11. Then, during the plea itself, he was asked if he was pleading guilty because he wanted to take the benefit of the plea bargain, and he responded affirmatively. RP 8. Finally, his attorney went on to explain that the defendant admitted the essential facts of the charge and was pleading guilty to gain the benefit of the plea bargain. *Id.* Essentially, the defendant took an *In re Barr* plea to gain the

benefit of the plea bargain. He was fully advised of his options and the available alternatives in this case. Therefore, he should not now be allowed to withdraw his plea.

C. THE DEFENDANT MAY NOT ASSERT A DOUBLE JEOPARDY CLAIM ON APPEAL. IF REVIEWED, HOWEVER, THE DEFENDANT'S CONVICTIONS FOR COUNTS I AND II DO NOT VIOLATE HIS RIGHT TO BE FREE FROM DOUBLE JEOPARDY.

1. The defendant may not assert a double jeopardy claim on appeal, as the record does not clearly show that the convictions violated double jeopardy.

The United States Supreme Court has held that a defendant who has entered a guilty plea to a criminal charge may not raise a double jeopardy claim unless, on the face of the record, the court had no power to enter the conviction. *U.S. v. Broce*, 488 U.S. 563, 569, 109 S. Ct. 757 (1989). In other words, a guilty plea “does not waive a claim that – judged on its face – the charge is one which the State may not constitutionally prosecute.” *Id.* at 575, quoting *Menna v. New York*, 423 U.S. 61, 63, 96 S. Ct. 241 (1975). To show that the State has no right to bring the charges on double jeopardy grounds, the trial court judge “must have been able to determine that the convictions violated double jeopardy by the record in front of that judge at the time of accepting the plea.” *In re Newlun*, 158 Wn. App. 28, 33–34, 240 P.3d 795 (2010), citing *Broce*, 488

U.S. at 575. Washington follows this rule, requiring that after a guilty plea, a double jeopardy violation must be clear from the record presented on appeal, or else it is waived. *State v. Knight*, 162 Wn. 2d 806, 811, 174 P.3d 1167 (2008). A violation is not clear on the record presented here, so the defendant may not raise this issue and this court should not review it.

The defendant in this case pleaded guilty to one count of Robbery in the second degree and two counts of Assault in the second degree. Count I alleged that the defendant “with intent to commit theft thereof, did unlawfully take personal property, to wit: various merchandise, that the defendant did not own, in the presence of Michael Delzell, against such person’s will by use or threatened use of immediate force, violence, or fear of injury to said person.” CP 13. Count II alleged that the defendant “with intent to prevent or resist the lawful apprehension or detention of himself did assault Michael Delzell, another person, by hitting, pushing, and/or touching.” CP 14. The factual basis provided by the defendant for the plea indicates that “I shoplifted from Walmart. When security stopped me, I tried to break free and had a clenched fist showing a threat of force. I pushed security to break free.” CP 11. Therefore, the defendant pleaded guilty to two separate counts with separate factual bases. Count I is met by the defendant’s statement that he had a clenched fist. Count II is established by the defendant pushing security to break free. A defendant

“who pleads guilty to two counts with facial allegation of distinct offenses concede[s] that he has committed two separate crimes.” *Broce*, 488 U.S. at 570. The defendant’s argument on appeal that the same statement provides the basis for both Counts I and II contradicts the Amended Information and the defendant’s own statement. CP 13–14, 11. Because there are two distinct offenses alleged in this case, and the defendant pleaded guilty to both, he may not now raise this issue on appeal and the court should not review this claim. However, assuming the court does reach the merits of this issue, there is no double jeopardy violation, as Counts I and II are not constitutionally the same.

2. Assuming this Court reaches the double jeopardy issue, there is no violation as Counts I and II are not constitutionally the same.

When evaluating a double jeopardy challenge, a court first looks to the statutory language to determine if the statutes themselves allow for cumulative punishment. *State v. Hughes*, 166 Wn.2d 675, 681, 212 P.3d 558 (2009). If the statutes are silent, the court applies the “same evidence” test. *Id.*; *Blockburger v. United States*, 284 U.S. 299, 52 S. Ct. 180 (1932). Under this test, two offenses are constitutionally the same if they are identical in law and in fact. *Id.* at 682. “If each offense includes an element not included in the other, and each requires proof of a fact the

other does not, then the offenses are not constitutionally the same under this test.” *Id.* Furthermore, absent clear legislative intent to the contrary, imposing punishment for both crimes does not violate double jeopardy. *State v. Tanberg*, 121 Wn. App. 134, 136, 87 P.3d 788 (2004). The statutes at issue here are RCW 9A.56.210 and RCW 9A.36.031. Each of these statutes includes an element not included in the other and each requires proof of a fact the other does not. Therefore, they are not constitutionally the same.

An essential element of second degree robbery is the taking of property from another person. RCW 9A.56.190. This is not an element of third degree assault. An essential element of assault is that the defendant had the intent to assault. RCW 9A.36.031. Such intent is not an element of robbery. Therefore, the crimes are not the same in law. The defendant’s argument that the crimes are the same *under the facts of this case* is unpersuasive. The issue is not whether the same evidence is required to prove both crimes under the particular facts of this case, but whether “proof of the same elements is necessarily required in all cases to establish the crimes.” *Tanberg*, 121 Wn. App. at 138. Because each statute includes an element not included in the other, they are not legally the same, and double jeopardy is not violated.

Finally, the merger doctrine is inapplicable to this case. A reviewing court will apply the merger doctrine to determine “whether the legislature intended to impose multiple punishments for a single act that violates several statutory provisions.” *State v. Zumwalt*, 119 Wn. App. 126, 131, 82 P.3d 672 (2003), citing *State v. Vladovic*, 99 Wn.2d 413, 419, 662 P.2d 853 (1983). As discussed in subsection one, above, there were two distinct and separate acts charged in this case, and the defendant pleaded guilty to both. Because there was not merely a “single act” that violated both robbery statute and the assault statute, the merger doctrine does not apply.

D. THE DEFENDANT MAY NOT CHALLENGE THE CALCULATION OF HIS OFFENDER SCORE FOR THE FIRST TIME ON APPEAL. FURTHERMORE, THE DEFENDANT’S OFFENDER SCORE WAS PROPERLY CALCULATED.

1. The defendant may not challenge the calculation of his offender score based on whether two crimes encompassed the same criminal conduct for the first time on appeal.

Issues not raised in the trial court generally may not be raised for the first time on appeal. *State v. Nitsch*, 100 Wn. App. 512, 519, 997 P.2d 1000 (2000); see also RAP 2.5(a), *State v. Moen*, 129 Wn.2d 535, 543, 919 P.2d 69 (1996). However, illegal or erroneous sentences may be challenged for the first time on appeal. *Id.* The Washington Supreme Court has ruled that a challenged to the classification of out-of-state

convictions for sentencing purposes can be raised for the first time on appeal. That issue is taken up in subsection 2, below. However, a challenge regarding whether two crimes should have been found to be the same criminal conduct may not be raised for the first time on appeal.

Nitsch, 100 Wn. App. at 520.

In *Nitsch*, the defendant pleaded guilty to first degree burglary and first degree assault and was sentenced to the high end of the applicable range. 100 Wn. App. at 517. The defendant then appealed, arguing that the two crimes encompassed the same criminal conduct and should have counted as one crime. *Id.* at 518. However, at sentencing, the defendant affirmatively acknowledged that his offender score was properly calculated. *Id.* at 521. The Court of Appeals determined that application of the same criminal conduct statute is more than a mere calculation issue, and involves both factual determinations and the use of discretion. *Id.* at 523. Because a determination of whether two crimes encompass the same criminal conduct requires an examination of the facts and the exercise of discretion, “the trial court’s failure to conduct such a review sua sponte cannot result in a sentence that is illegal.” *Id.* at 525. Therefore, a challenge based on the same criminal conduct statute will not be reviewed when raised for the first time on appeal.

In this case, the defendant stipulated that his offender score was three. CP 4, CP 15, RP 5, RP 13. He did not ask the trial court to determine if Counts I and II encompass the same criminal conduct, and did not contest his offender score. He cannot now raise this issue for the first time on appeal. This court should not review this issue.

2. The trial court did not err in calculating the defendant's offender score.

Because the defendant affirmatively acknowledged that his criminal history was accurate at sentencing, the trial court did not err when it sentenced him accordingly. RCW 9.94A.530(2) states: "In determining any sentence other than a sentence above the standard range, the trial court may rely on no more information than is admitted by the plea agreement, or admitted, acknowledged or proven pursuant to RCW 9.94A.537. Acknowledgment includes...not objecting to criminal history presented at the time of sentencing." At the time of plea and sentencing, the defendant agreed that his criminal history as presented by the State was accurate and that his prior California conviction was a felony. Now, for the first time on appeal, the defendant argues that his prior California conviction for Evading a Police Officer is a misdemeanor and does not count as part of his offender score. The defendant's arguments fail. First, the trial court did not err in calculating the defendant's offender score when it relied on

the defendant's affirmative acknowledgement that the convictions listed in his criminal history were correct. Second, the trial court properly found that his conviction for Evading a Police Officer was comparable to Attempting to Elude. *See* CA Veh. Code 2800.2; RCW 46.61.024.

a. The trial court did not err in calculating the defendant's offender score when it relied on the defendant's affirmative acknowledgement that the convictions listed in his criminal history were correct.

Because the defendant affirmatively acknowledged that his criminal history was accurate at sentencing, the trial court did not err when it sentenced him accordingly. At sentencing, while the State has the burden of proving prior convictions by a preponderance of the evidence, this burden is relieved "if the defendant *affirmatively* acknowledges the alleged criminal history." *State v. Hunley*, 175 Wn.2d 901, 917, 287 P.3d 584 (2012) (emphasis in original) (citing *State v. Ford*, 137 Wn.2d 472, 479–80, 973 P.2d 452 (1999)). A "defendant's mere failure to object to State assertions of criminal history does not result in acknowledgement." *Id.* at 912 (citing *Ford*, 137 Wn.2d at 482–83). However, if the defense agrees with the State's depiction of the defendant's criminal history, the defendant may not then challenge the criminal history after sentencing. *In re Pers. Restraint of Goodwin*, 146 Wn.2d 861, 874, 50 P.3d 618 (2002);

Hunley, 175 Wn.2d at 917. Furthermore, the State may rely on representations advanced by defense counsel at sentencing.

First, in the case at bar, the defendant affirmatively acknowledged his criminal history in his “Statement of Defendant on Plea of Guilty,” when he wrote that his offender score was three. CP 4. Then, during the guilty plea hearing, the defendant stated that he understood his standard range based on an offender score of three. RP 5. Finally, at sentencing, the defendant, through his attorney, affirmatively acknowledged that his criminal history included one felony elude out of California, as presented in the prosecutor’s statement of his criminal history. RP 13. By representing to the court that the criminal history was correct, the defendant relieved the State of its evidentiary obligations as to this convictions. His new claim on appeal that the California conviction is not comparable to a Washington felony. No such qualification was made in court. By agreeing to the convictions as counting toward his criminal history, the defendant also necessarily agreed that the conviction was for a felony. Because the defendant affirmatively acknowledged his history, the court did not err in relying on these convictions for sentencing.

b. *The trial court did not err in finding that the defendant's California conviction for Evading a police officer was comparable to Attempting to Elude.*

A challenge to the classification of out-of-state convictions can be raised for the first time on appeal. *Ford*, 137 Wn.2d at 477. However, the trial court did not err in including the defendant's California conviction in his offender score in this case. When sentencing a defendant with a foreign conviction, the foreign conviction counts toward the offender score if it is comparable to a Washington crime. *State v. Morley*, 134 Wn.2d 588, 606, 952 P.2d 167 (1998). The defendant here affirmatively agreed that his California conviction was a felony. CP 4, CP 15, RP 5, RP 13. For him to now state on appeal, without any basis in the record, that his conviction was a misdemeanor is disingenuous. Assuming that the California conviction is a felony, as the defendant repeatedly and affirmatively admitted, he was convicted under California Vehicle Code 2800.2, which requires driving with a willful or wanton disregard for the safety of persons or property, and such conduct would also constitute the crime of Attempting to Elude under RCW 46.61.024, the offenses are comparable.

When determining if a foreign crime is comparable to a Washington crime, the court looks first to the elements of the crime. Specifically, "the elements of the out-of-state crime must be compared to

the elements of the Washington criminal statutes in effect when the foreign crime was committed.” *Morley*, 134 Wn.2d at 605–06. If the elements of each crime are not identical, the court then examines the defendant’s conduct to determine whether that conduct would have been a violation of the comparable Washington statute. *Id.* at 606. In this case, the statutes are legally comparable, so the court does not need to reach the second step of analyzing the defendant’s conduct.

The California crime of Evading a Police Officer is defined as follows:

2800.2. (a) If a person flees or attempts to elude a pursuing peace officer in violation of Section 2800.1 and the pursued vehicle is driven in a willful or wanton disregard for the safety of persons or property, the person driving the vehicle, upon conviction, shall be punished by imprisonment in the state prison...

CA Veh. Code 2800.2. Attempting to Elude in Washington is defined as:

(1) Any driver of a motor vehicle who willfully fails or refuses to immediately bring his or her vehicle to a stop and who drives his or her vehicle in a reckless manner while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class C felony.

RCW 46.61.024. Both crimes require that a person drive in a reckless manner while attempting to get away from a pursuing police officer.

Therefore, they are legally comparable. Because the crimes are comparable, the trial court did not err in counting the defendant’s

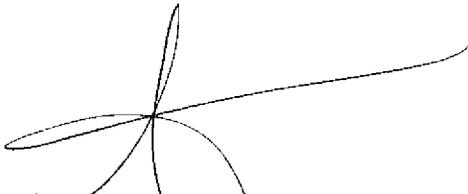
California conviction as a point on his offender score. However, if this Court finds that there is insufficient information in the record to determine the comparability of the California conviction, the proper remedy is to remand for an evidentiary hearing to allow the State to prove the classification is appropriate.

In *State v. Ford*, the defendant pleaded guilty to multiple charges. 137 Wn.2d at 453. At sentencing, the State orally asserted that the defendant's out-of-state convictions would be classified as felonies in Washington, but no supporting documentation was entered into the record. *Id.* at 454. The defendant did not object to this classification. *Id.* at 478. The Washington Supreme Court held that the State has the burden of proving classification, even in the absence of a defense objection. *Id.* at 482–83. However, when the defendant “fails to specifically put the court on notice as to any apparent defect, remand of an evidentiary hearing to allow the State to prove the classification of the disputed convictions is appropriate.” *Id.* at 485; *see also State v. McCorkle*, 88 Wn. App. 485, 500, 945 P.2d 736 (1997). Similarly if the court in this case finds that there is insufficient information to determine the classification of the defendant's California conviction, though he affirmatively agreed that it was a felony, the appropriate remedy is remand for an evidentiary hearing.

IV. CONCLUSION

The defendant's conviction should be affirmed as the trial court did not err in denying the defendant's motion to withdraw his guilty plea, there was a factual basis for the plea, the plea was knowing, voluntary, and intelligent, and the sentencing court properly calculated the defendant's offender score. Furthermore, the defendant's convictions for counts I and II did not violate double jeopardy. However, if this court finds that the trial court did err, the proper remedy is to remand for resentencing.

Respectfully submitted this 3rd day of April, 2015.



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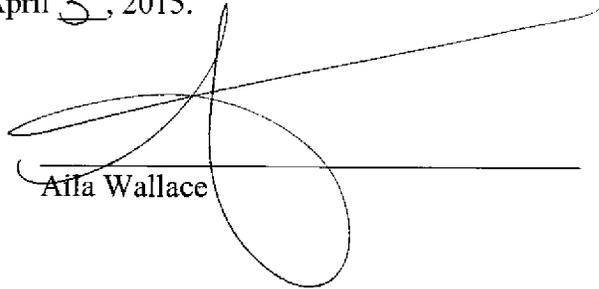
CERTIFICATE OF SERVICE

Aila Wallace certifies that opposing counsel was served electronically via the Division II portal:

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I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed at Kelso, Washington on April 3, 2015.



Aila Wallace

COWLITZ COUNTY PROSECUTOR

April 03, 2015 - 11:17 AM

Transmittal Letter

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Case Name: State v. Bouck

Court of Appeals Case Number: 46134-0

Is this a Personal Restraint Petition? Yes No

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Motion: _____

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Affidavit

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Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

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