

NO. 49319-5

**COURT OF APPEALS, DIVISION II
STATE OF WASHINGTON**

STATE OF WASHINGTON, RESPONDENT

v.

RICHARD HOWARD, APPELLANT

Appeal from the Superior Court of Pierce County
The Honorable Bryan Chushcoff

No. 16-1-01508-7

BRIEF OF RESPONDENT

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A. ISSUES PERTAINING TO APPELLANT'S ASSIGNMENTS OF ERROR.

1. Did the defendant waive his right to counsel knowingly, intelligently, and voluntarily when he unequivocally invoked his constitutional right to represent himself and the trial court informed the defendant that he was facing a “substantial period of imprisonment?”
2. Are the provisions of Superior Court Criminal Rule (CrR) CrR 7.1 applicable when no presentence report was ordered and, regardless, was there any error when the defendant’s disputed offender score was either an eleven or nine, resulting in the same standard range sentence regardless of the precise offender score?
3. Whether the trial court properly exercised its discretion in denying the defendant’s motion for a continuance of sentencing when the defendant was prepared to argue for an exceptional downward departure from a standard range sentence on the day of sentencing?
4. Are appellate costs appropriate due to recent changes of RAP 14.2 and when the defendant has been found indigent for purposes of appeal?

B. STATEMENT OF THE CASE.

1. Procedure

Richard Carl Howard II, hereinafter “defendant,” was charged with unlawful imprisonment and assault in the fourth degree. CP 3-4. Both counts were charged as domestic violence offenses. *Id.* Prior to trial, defendant moved to exercise his constitutional right to proceed *pro se*. CP 122-123; 6/29/16RP 8¹. The court found the defendant waived his right to counsel knowingly, intelligently, and voluntarily and granted the defendant’s motion. CP 124; 6/29/16RP 15.

Following a jury trial the defendant was found guilty of unlawful imprisonment, with the special finding that it was a domestic violence offense, and was acquitted of assault in the fourth degree. CP 73-75; 5RP 555-556. Following conviction, the defendant was sentenced to a standard range sentence of 51 months of confinement. CP 92-105; 6RP 619.

Defendant timely appealed. CP 82.

2. Facts

As of April 2016, the defendant and Brandy Wright had been a couple on and off for a period of five years. 3RP 351. The defendant had moved into Wright’s home approximately one month earlier. *Id.*

¹ The Verbatim Reports of Proceedings are contained in seven volumes. The first volume is referred to by date, has separate pagination from the other volumes, and only contains the defendant’s pretrial motion to proceed *pro se*. The subsequent six volumes are referred to by volume number and have consecutive pagination.

On April 12, 2016, the defendant and Wright drove to Ellensburg. 3RP 353. During the trip the defendant was mocking Wright, acting in a reckless and careless manner, and was dancing in the car. *Id.* During the trip, Wright drove the car, even though she had been taking medications for Parkinson's disease. 3RP 354. She had been taking the medications for years prior and it in no way affected her ability to drive or her everyday life. 3RP 355. Wright believed that the defendant's behavior on April 12 led directly to his actions on April 13. 3RP 356.

On April 13, the defendant went into their backyard and said something to the neighbors. *Id.* When he returned, the defendant immediately began screaming in Wright's face about the neighbors and how she was trying to protect them. *Id.* He appeared angry at this point and Wright became concerned for her safety. 3RP 356-357. In response to this, Wright began to grab her bag and put her driver's license, bankcard, cash, keys, phone and other things in the bag in case she needed to get away. 3RP 357. Once she had packed her bag she attempted to walk around the defendant to the front door. *Id.* However, the defendant would not let her around him. He prevented Wright from leaving by physically restraining Wright. *Id.* Based upon her experience with the defendant, Wright believed he intended to keep her from getting around him and prevent her from leaving. 3RP 358.

Eventually, Wright was able to break free of the defendant. *Id.* Upon getting free, Wright attempted to get to the back door. *Id.* However,

the defendant again grabbed her and pulled her back. 3RP 362. The defendant said some unpleasant things to Wright and continued to prevent her from leaving. *Id.* Wright again reiterated that she wanted to leave. *Id.*

When the defendant prevented Wright from leaving again, she ran to the kitchen in an attempt to escape. 3RP 363. However, the defendant cornered her in the kitchen. *Id.* While she was cornered the defendant intentionally spat in her face. *Id.* After being spat on, Wright was able to escape to one of the bedrooms. *Id.* Upon reaching the bedroom, Wright attempted to exit the house out of one of the windows because she was scared. 3RP 364. The defendant grabbed Wright and pulled her out of the window and back into the room. 3RP 365.

Upon being pulled back into the room, Wright went to the bathroom and attempted to shut the door. *Id.* However, she was unable to as the defendant came into the bathroom. 3RP 365-366. While they were in the bathroom, the defendant continued to scream at her. 3RP 366. The defendant again intentionally spit on her, this time directed at her head. 3RP 367. After spitting at her, the defendant hit his head on the door intentionally. *Id.* It appeared to Wright that he hit his head out of aggression. 3RP 368. After hitting his head on the door, the defendant left the room. *Id.*

Once the defendant left the room, Wright entered the bathtub and screamed out the window above the tub for help. *Id.* After screaming for help, Wright attempted to call the police from her work phone. 3RP 369.

However, the defendant entered the bathroom again. *Id.* Wright dropped her phone back into her bag and ran out of the bathroom. *Id.* Wright then attempted to go to the front windows, but again, the defendant held her back. 3RP 370. At that point, the defendant finally let Wright go. 3RP 371.

After finally being let go, Wright got out the front door, got into her car, and drove down the street. *Id.* Once she had gone three or four blocks Wright called the police. *Id.*

Deputy Emily Holznagel of the Pierce County Sheriff's Department was dispatched to the call at approximately 12:55 p.m. 3RP 314. When Deputy Holznagel arrived where Wright was parked, she encountered Wright in the driver's seat of Wright's vehicle. 3RP 316. Wright was upset and visible shaking. 3RP 317. Deputy Holznagel and Wright spoke where Wright was parked. 3RP 317, 372. After speaking with Wright, Deputy Holznagel proceeded to the house. 3RP 317. Upon arriving at the residence, Deputy Holznagel spoke with the defendant in person at the residence. 3RP 321. Later the same day Wright returned to the house and spoke with the deputy, this time at the house. The investigation was concluded by Deputy Holznagel took photographs of the scene and recording what type of damage had occurred at the home. 3RP 324.

C. ARGUMENT.

1. THE DEFENDANT KNOWINGLY,
INTELLIGENTLY, AND VOLUNTARILY
WAIVED HIS RIGHT TO COUNSEL AND
CHOSE TO PROCEED *PRO SE*.

The Sixth Amendment specifically and Fourteenth Amendment through the Due Process Clause of the United States Constitution provide a criminal defendant the right to the assistance of counsel. *Gideon v. Wainwright*, 372 U.S. 335, 342-344, 83 S. Ct. 792, 9 L. Ed. 2d 799 (1963). The Sixth Amendment also guarantees a defendant in a criminal trial the right to represent himself and waive the assistance of counsel. *Faretta v. California*, 422 U.S. 806, 806, 95 S. Ct. 2525, 45 L. Ed. 2d 562 (1975).

Article I, § 22 of the Washington State Constitution also provides that a criminal shall have the right to counsel. Further, our Supreme Court has held that there is both a federal and a state constitutional right for a defendant to waive the assistance of counsel and represent themselves. *State v. Wood*, 143 Wn.2d 561, 585, 23 P.3d 1046 (2001). When a defendant is unjustifiably denied their right to represent themselves, reversal is required. *Id.* at 585-586.

In order for a waiver of counsel to be valid, a defendant must make the waiver knowingly and intelligently. *State v. Hahn*, 106 Wn.2d 885,

893, 726 P.2d 25 (1986). Such a waiver shall only be effective if a court makes a specific finding that the defendant is competent to waive the right to the assistance of counsel. RCW 10.77.020(1). When determining whether the defendant is competent to waive the right to the assistance of counsel, the court should be guided by determining if the defendant understands (a), the nature of the charges; (b) the statutory offense included with them; (c) the range of allowable punishments; (d) possible defenses to the charges and circumstances that mitigate the offense; and (e) all other facts essential to understanding the proceedings. *Id.* Improper denial of the right of self-representation requires reversal regardless of whether prejudice results. *State v. Englund*, 186 Wn. App. 444, 455, 345 P.3d 859 (2015).

The standard for waiver of the right to counsel is (1) competency to stand trial and (2) a knowing and intelligent waiver with “eyes open,” which includes understanding the dangers and disadvantages of proceeding *pro se*. *State v. Hahn*, 106 Wn.2d 885, 895, 726 P.2d 25 (1986).

- a. Prior to the defendant being granted *pro se* status, the trial court ensured that the waiver of counsel was done knowingly, intelligently, and voluntarily.

The ad-hoc, fact specific analysis of questions regarding waiver of counsel are best assigned to the discretion of trial courts. *State v. Coley*, 180 Wn.2d 543, 559, 326 P.3d 702 (2014). A trial court's decision on a defendant's request for self-representation will only be reversed if the decision is manifestly unreasonable, relies on unsupported facts, or applies an incorrect legal standard. *Id.* (quoting *State v. Madsen*, 168 Wn.2d 496, 504 229 P.3d 714 (2010) (citing *State v. Rohrich*, 149 Wn. 2d 647, 654, 71 P.3d 638 (2003))).

A defendant's request to proceed *pro se* must be timely made and stated unequivocally. *State v. Stenson*, 123 Wn.2d 668, 737, 940 P.2d 1239 (1997). If the request is made timely and stated unequivocally, the court must determine if the *pro se* request was made knowingly, intelligently, and voluntarily. *State v. Madsen*, 168 Wn.2d at 504. This can be accomplished by a colloquy. *Id.*

There is no formula for determining the validity of a waiver to right of counsel. *State v. Silva*, 108 Wn. App. 546, 539, 31 P.3d 729 (2001). The colloquy *should* include a discussion about the seriousness of the charge, the possible maximum penalties involved, and the existence of technical procedural rules governing the presentation of the accused's

defense. *State v. Modica*, 136 Wn. App. 434, 441, 149 P.3d 446 (2006) (emphasis added).

Here, the defendant made it abundantly clear that he wished to proceed *pro se*. The defendant stated, “It is my constitutional right to proceed *pro se* and I would just like to exercise it.” 6/29/16RP 8. He then noted how he had proceeded to trial *pro se* four times in the last year. *Id.* The court then engaged in a colloquy with the defendant.

In the colloquy, the court inquired if the defendant had read the rules of evidence, made it clear the defendant would be held to the same standards as an attorney, noted how the court believed the defendant would be at a disadvantage if he elected to proceed *pro se*, stated if convicted that the defendant would be subject to a “substantial period of imprisonment,” and provided the opportunity for standby counsel to be appointed. 6/29/16RP 8-9. At the conclusion of the colloquy, the defendant again stated he was “[j]ust asking to proceed *pro se*” and wanted the State to provide him with all discovery and “rules of particulars.” 6/29/16RP 9. He then asserted that he was “ready to go to trial.” *Id.* The court found the defendant had made a “knowing and intelligent and voluntary waiver of counsel.” CP 124; 6/29/16RP 15. Throughout the colloquy the defendant was unequivocal in requesting that he be allowed to exercise his constitutional right and proceed *pro se*.

Defense counsel argues *Silva* controls this case and that under *Silva*, because the defendant was not informed of the maximum penalties,

his waiver to proceed *pro se* is invalid. See Brf. of App. at 11-12. The defendant misconstrues *Silva*. *Silva* does not say that a court *must* provide the maximum penalties, but states how the possible maximum penalties *should* be included in the court's colloquy with the defendant. *Silva*, 108 Wn. App. at 539 (emphasis added). *Silva* states that there is no set formula for determining a waiver's validity. *Id.* *Silva* even goes as far to state that a colloquy is not necessary in all cases and that a waiver may still be valid when "...a reviewing court determines from the record that the accused was fully apprised of these factors and other risks associated with self-representation that would indicate that he made his decision with his 'eyes open.'" *Silva*, 108 Wn. App. at 540.

In this matter, it is clear the defendant was fully apprised of the factors and risks associated with self-representation and made his choice to proceed *pro se* with "eyes open." The defendant made it clear he had represented himself *pro se* four times in the past year. 6/29/16RP 8. He understood he had the constitutional right to proceed *pro se* and unequivocally asked the court to allow him to proceed *pro se*. The trial court warned the defendant of the inherent dangers in proceeding *pro se* and the defendant still elected to do so. 6/29/16RP 8-9. While the court did not provide the defendant with the exact statutory maximum sentence, when discussing the possible consequences upon a finding of guilt, the court warned the defendant:

I don't know what your offender score is, so I can't tell you exactly what your sentencing range would be. But you are charged with unlawful imprisonment and assault in the fourth degree. In the event of conviction, there is likely to be *a substantial period of imprisonment involved*. Do you understand that?

6/29/16RP 9 (emphasis added). The defendant answered in the affirmative and stated he understood the potential penalties involved. *Id.* Based upon such, the court granted the defendant's motion to represent himself.

6/29/16RP 15. Thus, the court did everything *Silva* states a court should do.

When considering previous Washington State Supreme Court precedent, as well as the totality of the circumstances in this case, it is clear that the defendant knowingly, voluntarily, and intelligently, waived the right to counsel. He insisted on proceeding *pro se*. Thus, the trial court did not abuse its discretion in finding that the defendant's decisions to proceed *pro se* was made knowingly, voluntarily, and intelligently.

2. BECAUSE THERE WAS NO PRESENTENCE REPORT, THE PROVISIONS OF CrR 7.1 ARE INAPPLICABLE.

The State must prove by a preponderance of the evidence a defendant's criminal history for purposes of calculating the defendant's offender score. *State v. Mendoza*, 139 Wn. App. 693, 702, 162 P.3d 439 (2007). The best evidence of a prior conviction is a certified copy of the

judgment. *State v. Hunley*, 175 Wn.2d 901, 910, 287 P.3d 584 (2012) (quoting *State v. Ford*, 137 Wn.2d 472, 480, 973 P.2d 452 (1999)).

3. THE THREE DAY PROVISION OF CrR 7.1 ONLY APPLIES WHEN A PRESENTENCE REPORT WAS ORDERED AND NEW EVIDENCE THAT WAS NOT IN THE REPORT IS BROUGHT FORTH.

It appears that the defendant is challenging a lack of notice of his offender score. *See* Brf. of App. at 12. However, defendant cites no authority that the State must provide the defendant with his offender score prior to sentencing. The closest he comes is by citing to Superior Court Criminal Rule (CrR) 7.1. CrR 7.1 provides that a court may order a risk assessment or presentence report. CrR 7.1(a). The use of the word “may” implies that a court is allowed to, but is not required to, order such a report. *State v. Dukes*, 56 Wn. App. 660, 664, 784 P.2d 584 (1990). CrR 7.1(c) states:

At least 3 days before the sentencing hearing, defense counsel and the prosecuting attorney shall notify opposing counsel and the court of *any part of the presentence report* that will be controverted by the production of evidence.

(emphasis added). CrR 7.1(c) makes it clear that the new evidence rule shall only apply when there is a portion of the presentence report which is contested. If the presentence report is not contested, or does not exist, then clearly the provisions of CrR 7.1(c) cannot apply. No other court rule or statute requires the State to provide notice to the defendant regarding their

criminal history or other evidence which will be brought forth at sentencing.

Here, the State was not required to provide notice to the defendant regarding the past convictions that would be used against him when calculating his offender score. There was no presentence report and thus, no new evidence arising that would controvert such a report. Further, as the State made clear both at the time of the verdict and at sentencing, the defendant and the court were provided with the certified copies of the judgment as soon as the State had received them. 6RP 614. This is all the State is required to do in order to prove the defendant's offender score by a preponderance of the evidence. Because there was no presentence report, there was no error in providing the defendant and the court with certified copies of previous judgments and his offender score two days prior to sentencing. Therefore, this Court should affirm the defendant's standard range sentence.

- b. If an error, it would be harmless as the only issue in dispute was if the defendant's offender score is an eleven or nine, which would not change the defendant's standard range sentence.

A harmless error is one which is trivial, formal, or merely academic and which in no way affects the outcome of the case. *State v.*

Wanrow, 88 Wn.2d 221, 237, 559 P.2d 548 (1977). During sentencing, the specific facts involved control whether or not an error during sentencing is harmless. *State v. Gonzales*, 90 Wn. App. 852, 855, 954 P.2d 360 (1998). The reviewing court should avoid remand where a harmless error occurs as such would be a waste of judicial resources. *Id.*

An offender score can be no higher than nine, no matter how many convictions an individual actually has. *State v. Rawls*, 114 Wn. App. 719, 723, 60 P.3d 113 (2002). Individuals with an offender score of more than nine are considered to have an offender score of nine for purposes of determining the time period of a standard range sentence. RCW 9.94A.510.

Defendant challenges that he did not have notice that the State would be arguing that his offender score was an eleven. However, there is no dispute the defendant had an offender score of at least nine. Based upon defendant's argument during sentencing, it is clear that he was on notice that his offender score was at least a nine. During sentencing, when a dispute about his offender score arose, the defendant, still representing himself, stated, "[My offender score]'s a nine. I know that for a fact." 6RP 614. This would align perfectly with defendant's prior criminal history. Defendant had nine prior felony convictions that count for points towards

his offender score prior to this case. CP 88-91; 92-105². The defendant was on community custody at the time of this crime, thus adding one point. 6RP 598-599. When one point is added for his juvenile Class A felony³, his offender score is an eleven⁴. *Id.* It appears from this that the defendant was fully aware of his nine previous felony convictions, but simply did not know that his violent juvenile conviction and community custody status each added a point to his offender score.

The State submitted certified copies of judgments for all nine previous felony convictions. 6RP 599. This proves by a preponderance of the evidence that the defendant's offender score was at least a nine. *State v. Mendoza*, 139 Wn. App. at 702. The standard range sentence is the same for an individual who has an offender score of eleven or nine. Thus, the period of confinement would not change.

Defendant argues that the remedy for his disputed offender score should be reversal and remand for a new sentencing hearing. *See* Brf. of App. at 16. However, such would not change the period of incarceration

² All felonies were committed between 1998 and 2011. CP 88-91; 92-105. Eight of the felonies occurred in King County and one felony occurred in Pierce County. *Id.* At no times was the defendant out of custody for more than five years between offenses. *Id.*

³ Defendant was convicted in King County Juvenile Court of Rape of a Child in the First Degree in 1993. CP 88-91; 92-105.

⁴ A half point is also added for defendant's juvenile Taking a Motor Vehicle Without Permission conviction. CP 88-91; 92-105. Because offender scores are rounded down to the nearest whole number, the defendant's offender score remains an eleven. *See* RCW 9.94A.525.

for defendant's standard range sentence. As such, any error in calculating the defendant's offender score is harmless as the standard range sentence would have remained the same regardless of if his offender score is an eleven or nine. As such, this Court should affirm the defendant's sentence.

4. THE TRIAL COURT PROPERLY EXERCISED ITS DISCRETION TO DENY THE DEFENDANT'S MOTION TO CONTINUE SENTENCING AS THE DEFENDANT WAS PREPARED FOR SENTENCING.

A sentence within the standard sentence range shall not be appealed. RCW 9.94A.585. This concept arises from the idea that so long as the sentence falls within the proper presumptive sentencing ranges set by the legislature, there can be no abuse of discretion as to the length of the sentence. *State v. Williams*, 149 Wn.2d 143, 146-147, 65 P.3d 1214 (2003). However, a party can still challenge the underlying legal conclusions and determinations by which a court comes to apply a particular sentencing provision. *State v. Mail*, 121 Wn.2d 707, 712, 854, P.2d 1042 (1993). Hence, appellate review is still available for the correction of legal errors or abuses of discretion in what sentence applies. *State v. Williams*, 149 Wn.2d at 147. In this case, the defendant argues the court abused its discretion in denying a continuance so the defendant could prepare a memorandum in support of an exceptional downward sentence. *See* Brf. of App. at 16.

In a criminal case, the decision to grant or deny a motion for a continuance rests within the sound discretion of the trial court. *State v. Downing*, 151 Wn.2d 265, 272, 87 P.3d 1169 (2004). In exercising discretion to grant or deny a continuance, the court may consider many factors, including surprise, diligence, redundancy, due process, materiality, and the maintenance of orderly procedure. *State v. Eller*, 84 Wn.2d 90, 95, 524 P.2d 242 (1974). An abuse of discretion is found when a trial judge's decision is based on "manifestly unreasonable or untenable grounds, or for untenable reasons." *State v. Gentry*, 183 Wn.2d 749, 761, 356 P.3d 714 (2015) (quoting *Wilson v. Horsley*, 137 Wn.2d 500, 505, 974 P.2d 316 (1999)). The defendant must also establish that he was prejudiced by the trial court's denial of a continuance. *State v. Herzog*, 69 Wn. App 521, 524, 849 P.2d 1235 (1993). However, in determining a proper sentence, the trial court is vested with broad discretion and can make whatever investigation it deems necessary or desirable. *State v. Russell*, 31 Wn. App. 646, 648, 644 P.2d 704 (1982).

The facts here are similar to *State v. Rahier*, 37 Wn. App. 571, 576, 681 P.2d 1299 (1984). In *Rahier*, during sentencing the defendant, his attorney, and the State all spoke at length. On appeal the defendant argued he was denied his right to allocution because he was denied a continuance. *Id.* The defendant there wanted a continuance in order to give himself more time to research penalties and research prejudice of the trial judge as grounds for a new trial. *Id.* However, he did not challenge that the

sentence he received was contrary to law or the sentencing court was not fully informed. *Id.* This Court rejected the defendant's argument. *Id.*

Here, the facts are very similar. The defendant informed the sentencing court how he wanted a continuance in order to brief the court on an exceptional downward sentence. 6RP 592-593. The court asked the defendant if he was prepared to argue for an exceptional downward sentence at the time of sentencing. 6RP 595. The defendant first informed the court that he could orally tell the court his reasons, but his argument would look better on paper. 6RP 596. The defendant later changed his mind and noted that he needed time in the prison law library to research the issue. *Id.* However, during sentencing, the defendant spoke at length with the court on why an exceptional downward sentence was appropriate. 6RP 602-610. The defendant attempted to argue he was not the first aggressor and his actions were an attempt to assist Wright. *Id.* The victim being the first aggressor is a statutory rationale for an exceptional downward sentence. *See* RCW 9.94A.535(1)(a). The defendant properly arguing on why an exceptional downward sentence should apply clearly demonstrates that he was prepared to argue at the time of his sentencing. Following the defendant's allocution, the court spoke at considerable length on why it did not believe an exceptional downward sentence was appropriate. 6RP 617-619. The court went through eleven reasons an exceptional downward departure could apply and rejected each reason. *Id.*

The defendant cannot show any prejudice resulting from the denial of his motion to continue. The considerable evidence from sentencing clearly indicate that the defendant was prepared to argue for an exceptional sentence. He provided the court with an argument on why an exceptional downward sentence should have been granted. The defendant's extensive argument clearly demonstrate that he was prepared to argue and the only reason he wanted a continuance was to put his argument on paper so it would "look better." 6RP 596. The court decided such was not an appropriate reason for a continuance. *Id.* As such, because the defendant was prepared to argue for an exceptional downward departure from a standard range sentence, the court acted well within its discretion to deny the defendant's motion for a continuance.

5. IT IS UNLIKELY THE STATE WILL SEEK APPELLATE COSTS.

Due to recent changes in RAP 14.2 and because the defendant was found to be indigent for purposes of appeal (*See* CP 83-84), it is unlikely that the State will ask for appellate costs in this matter.

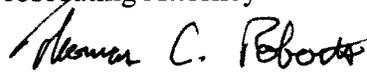
D. CONCLUSION.

This Court should affirm the defendant's conviction for unlawful imprisonment and his standard range sentence. The record clearly indicates that the defendant waived his right to counsel knowingly, voluntarily, and intelligently and he was aware he was facing a potentially

long period of incarceration. Further, the defendant was properly sentenced as the provisions of CrR 7.1 do not apply as no presentence report was ordered. Finally, the court properly exercised its discretion in denying the defendant's motion for a continuance as he was able to argue extensively at sentencing for an exceptional sentence downward. For the foregoing reasons this Court should affirm the defendant's conviction and sentence.

DATED: March 14, 2017

MARK LINDQUIST
Pierce County
Prosecuting Attorney

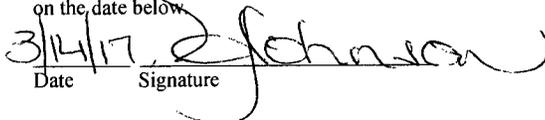


THOMAS C. ROBERTS
Deputy Prosecuting Attorney
WSB # 17442

Nathaniel Block
Appellate Intern

Certificate of Service:

The undersigned certifies that on this day she delivered by U.S. mail or ABC-LMI delivery to the attorney of record for the appellant and appellant c/o his attorney true and correct copies of the document to which this certificate is attached. This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington. Signed at Tacoma, Washington, on the date below.

3/14/17 
Date Signature

PIERCE COUNTY PROSECUTOR
March 14, 2017 - 9:13 AM
Transmittal Letter

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Court of Appeals Case Number: 49319-5

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