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Court of Appeals  
Division II  
State of Washington  
12/1/2017 12:28 PM

NO. 50416-2-II

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

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STATE OF WASHINGTON,

Respondent,

v.

ALEXANDRIA BLAKEMAN,

Appellant.

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ON APPEAL FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON FOR CLARK COUNTY

The Honorable Bernard Veljacic, Judge

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BRIEF OF APPELLANT

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## **TABLE OF CONTENTS**

A.	ASSIGNMENT OF ERROR .....	1
	Issue pertaining to assignment of error .....	1
B.	STATEMENT OF THE CASE.....	1
C.	ARGUMENT.....	2
	THE JUDGMENT AND SENTENCE CONTAINS A SCRIVENER’S ERROR WHICH MUST BE CORRECTED.....	2
D.	CONCLUSION.....	3

## TABLE OF AUTHORITIES

### Washington Cases

<i>In re the Personal Restraint of Mayer</i> , 128 Wn. App. 694, 117 P.3d 353 (2005).....	3
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### Statutes

RCW 46.20.285 .....	2
RCW 9A.56.068.....	1

A. ASSIGNMENT OF ERROR

The judgment and sentence contains a scrivener's error which should be corrected.

Issue pertaining to assignment of error

Where the judgment and sentence contains a scrivener's error, is remand for correction of the error the appropriate remedy?

B. STATEMENT OF THE CASE

On March 1, 2017, the Clark County Prosecuting Attorney charged appellant Alexandria Blakeman with possession of a stolen motor vehicle and two counts of possession of a controlled substance. CP 1-2. Under the terms of a plea agreement resolving this and a 2016 cause of action, Blakeman pled guilty to possession of a stolen motor vehicle, and the State dismissed the controlled substances charges. CP 12, 24; RCW 9A.56.068. Blakeman also pled guilty to possession of heroin with intent to deliver and misdemeanor bail jumping in the 2016 case. RP 10.

Paragraph 2.1 of the judgment and sentence in this case references both the possession of a stolen motor vehicle offense and the possession with intent to deliver offense as current convictions used in calculating the offender score. CP 21-22. In paragraph 3.1, the judgment states that "defendant is guilty of the Counts and Charges listed in Paragraph 2.1 and

Appendix 2.1.” CP 24. There is no Appendix 2.1 to the judgment and sentence. CP 21-35.

The court imposed the agreed on standard range sentence and mandatory legal financial obligations. CP 24, 26-27; RP 14, 18. It also entered a finding that Blakeman used a motor vehicle in the commission of the offense. CP 22; RCW 46.20.285. Blakeman filed this timely appeal. CP 36.

C. ARGUMENT

THE JUDGMENT AND SENTENCE CONTAINS A SCRIVENER’S ERROR WHICH MUST BE CORRECTED.

The paragraph of the judgment and sentence in this case which sets forth the court’s judgment indicates that Blakeman is guilty of the charges listed in paragraph 2.1 and Appendix 2.1. CP 24. Paragraph 2.1 lists the felonies to which Blakeman was pleading guilty, in this action as well as the 2016 cause. CP 21-22. There is no Appendix 2.1 to the Judgment and Sentence, however. CP 21-35. There is an Appendix 2.2 which contains a declaration of Blakeman’s criminal history, but it does not include the current offenses referenced in Paragraph 3.1. CP 32-33. For the sake of clarity, the erroneous reference to “Appendix 2.1” must be corrected. The proper remedy is remand to the trial court for correction of the scrivener’s

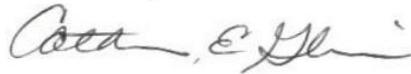
error. *In re the Personal Restraint of Mayer*, 128 Wn. App. 694, 701, 117 P.3d 353 (2005).

D. CONCLUSION

This Court should remand for correction of the scrivener's error in the judgment and sentence.

DATED December 1, 2017.

Respectfully submitted,



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Certification of Service by Mail

Today I caused to be mailed copies of the Brief of Appellant and Supplemental Designation of Clerk's Papers in *State v. Alexandria Blakeman*, Cause No. 50416-2-II as follows:

Alexandria Blakeman DOC# 399392  
Washington Corrections Center for Women  
9601 Bujacich Rd. NW  
Gig Harbor, WA 98332-8300

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



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Catherine E. Glinski  
Done in Manchester, WA  
December 1, 2017

**GLINSKI LAW FIRM PLLC**

**December 01, 2017 - 12:28 PM**

**Transmittal Information**

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