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Court of Appeals  
Division II  
State of Washington  
3/28/2018 3:56 PM

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No. 50579-~~1~~-II  
COURT OF APPEALS, DIVISION TWO  
OF THE STATE OF WASHINGTON

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Skamania County Superior Court nos.  
16-1-00061-2

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STATE OF WASHINGTON,  
Respondent

vs.

ALENE MARIE BUSH,  
Appellant

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BRIEF OF RESPONDENT

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Adam N. Kick, WSBA# 27525  
Prosecuting Attorney for Respondent  
Skamania County Prosecuting Attorney's Office  
P.O. Box 790  
Stevenson, Washington 98648  
509-427-3790

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**I. FACTS**

Alene Marie Bush, the appellant, was charged in Skamania County Superior Court, by information on September 6, 2016, with the crimes of Delivery of Controlled Substance - Methamphetamine; Delivery of Controlled Substance - Methamphetamine. The appellant was convicted after jury trial on June 12, 2017 of Delivery of Controlled Substance - Methamphetamine; Delivery of Controlled Substance - Methamphetamine and subsequently was sentenced on June 13, 2017.

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**II. APPELLANT'S ASSIGNMENT OF ERROR**

1. The trial court failed to give oral notification on the loss of firearm rights as required.

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**III. RESPONSE TO APPELLANT'S CLAIMS**

1. The record does not reflect an oral notification as required by RCW 9.41.047(1)(a).

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**IV. ARGUMENT**

Oral Notice of Loss of Firearm Rights

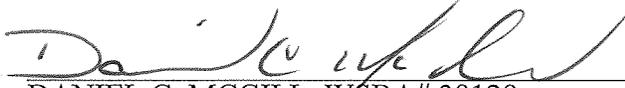
RCW 9.47.047(1)(a) requires a convicting court to notify orally and in writing a that person may not possess firearms until the right is restored by a court of record upon conviction of a felony. The record does not reflect that the notification was given orally, although there is written notification in the Judgement and Sentence which has been signed by the appellant. If the court does not find this sufficient the state agrees the matter should be remanded for oral notification of loss of firearm rights

1 pursuant to the term of the Judgment and Sentence entered in the  
2 underlying matter.

3 **V. CONCLUSION**

4 The state respectfully submits if the written notice of firearm rights be  
5 deemed insufficient the matter be remanded for proceedings to give oral  
6 notification of loss of firearm right pursuant to he terms of the judgment  
7 and sentence filed in the underlying matter..

8 RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of MARCH 2016.

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11 DANIEL C. MCGILL, WSBA# 39129  
12 Skamania County Deputy Prosecuting Attorney



# Washington State Court of Appeals

## Division Two

950 Broadway, Suite 300, Tacoma, Washington 98402-4454

Derek Byrne, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)

General Orders, Calendar Dates, and General Information at <http://www.courts.wa.gov/courts> **OFFICE HOURS:** 9-12, 1-4.

March 22, 2018

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RE: CASE #: 50579-7-II: State of Washington v Alene Marie Bush

**Case Manager:** Debbie

Adam N. Kick:

Our records indicate you have failed to timely perfect the above-referenced appeal by not filing the Respondent's Brief, due March 6, 2018.

Accordingly, we will impose a sanction of \$150.00 against you unless you file the Respondent's Brief with this court on or before fifteen days from the date of this letter. If you do not, a check for the amount of the sanction, payable to the State of Washington, will be due. Once a sanction becomes due, we will accept no further filings from you until you pay that sanction in full.

Further, we have scheduled a motion for further sanctions because of your failure to timely file the Respondent's Brief. A commissioner will consider this motion, without oral argument, if you do not file the Respondent's Brief, by April 2, 2018. We will strike the clerk's motion for further sanctions if you cure the defect before that date. Please note, however, that even if we strike the clerk's motion, you will not be released from paying the sanction imposed on April 6, 2018, unless you file your response before that date.

Very truly yours,

A handwritten signature in black ink, appearing to be "Derek M. Byrne", written over a horizontal line.

Derek M. Byrne  
Court Clerk

DMB:MD

# SKAMANIA COUNTY PROSECUTOR

March 28, 2018 - 3:56 PM

## Transmittal Information

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 50579-7  
**Appellate Court Case Title:** State of Washington, Respondent v Alene Marie Bush, Appellant  
**Superior Court Case Number:** 16-1-00061-2

### The following documents have been uploaded:

- 505797\_Briefs\_20180328155522D2679917\_1032.pdf  
This File Contains:  
Briefs - Respondents  
*The Original File Name was BRIEF OF RESPONDENT 3.28.18.pdf*

### A copy of the uploaded files will be sent to:

- glinskilaw@wavecable.com
- kick@co.skamania.wa.us
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### Comments:

This is to replace document that was filed earlier that was incomplete.

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