

FILED  
Court of Appeals  
Division II  
State of Washington  
9/14/2018 8:15 AM  
NO. 51686-1-II

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

---

STATE OF WASHINGTON, Respondent

v.

JUAN CARLOS EDUARDO RAMOS LOPEZ, Appellant

---

FROM THE SUPERIOR COURT FOR CLARK COUNTY  
CLARK COUNTY SUPERIOR COURT CAUSE NO.16-1-02357-6

---

BRIEF OF RESPONDENT

---

Attorneys for Respondent:

ANTHONY F. GOLIK  
Prosecuting Attorney  
Clark County, Washington

AARON T. BARTLETT, WSBA #39710  
Deputy Prosecuting Attorney

Clark County Prosecuting Attorney  
1013 Franklin Street  
PO Box 5000  
Vancouver WA 98666-5000  
Telephone (564) 397-2261

**TABLE OF CONTENTS**

RESPONSE TO ASSIGNMENTS OF ERROR..... 1

    I.    The trial court properly accepted Ramos-Lopez’s guilty plea  
          because it was done knowingly, intelligently, and voluntarily. 1

STATEMENT OF THE CASE..... 1

ARGUMENT ..... 1

    I.    The trial court properly accepted Ramos-Lopez’s guilty plea  
          because it was done knowingly, intelligently, and voluntarily. 1

CONCLUSION..... 4

## TABLE OF AUTHORITIES

### Cases

<i>In re Keene</i> , 95 Wn.2d 203, 622 P.2d 360 (1980) .....	1
<i>State v. Buckman</i> , 190 Wn.2d 51, 409 P.3d 193 (2018) .....	2
<i>State v. Mendoza</i> , 157 Wn.2d 582, 141 P.3d 49 (2006) .....	2
<i>State v. Perez</i> , 33 Wn.App. 258, 654 P.2d 708 (1982) .....	1
<i>State v. Zhao</i> , 157 Wn.2d 188, 137 P.3d 835 (2006).....	2

### Rules

CrR 4.2(d) .....	2
CrR 4.2(g) .....	1, 2
RAP 15.2(i) .....	3
RAP 18.3(a)(2).....	3

## RESPONSE TO ASSIGNMENTS OF ERROR

- I. **The trial court properly accepted Ramos-Lopez's guilty plea because it was done knowingly, intelligently, and voluntarily.**

### STATEMENT OF THE CASE

Pursuant to RAP 10.3(b), the State is satisfied with the statement of the case in the brief of appellant.

### ARGUMENT

- I. **The trial court properly accepted Ramos-Lopez's guilty plea because it was done knowingly, intelligently, and voluntarily.**

When a defendant fills out a written statement on plea of guilty in compliance with CrR 4.2(g) and acknowledges that he or she has read it and understands it and that its contents are true, the written statement provides prima facie verification of the plea's voluntariness. *In re Keene*, 95 Wn.2d 203, 206-07, 622 P.2d 360 (1980). Moreover, when the trial court "goes on to inquire orally of the defendant and satisfies himself on the record of the existence of the various criteria of voluntariness, the presumption of voluntariness is well nigh irrefutable." *State v. Perez*, 33 Wn.App. 258, 262, 654 P.2d 708 (1982).

Voluntariness, as referenced above, means that the plea is made "competently and with an understanding of the nature of the charge and

the consequences of the plea.” CrR 4.2(d). Similarly, for a plea to be knowing and intelligent, “a defendant must have adequate notice and understanding of the elements of the charges against him” as well as the possible sentencing consequences of pleading guilty. *State v. Zhao*, 157 Wn.2d 188, 200, 137 P.3d 835 (2006) (citation omitted); *State v. Buckman*, 190 Wn.2d 51, 59, 409 P.3d 193 (2018) (citation omitted). On the other hand, a plea may be involuntary when a defendant is “misinform[ed] regarding a direct consequence of the plea. . . .” *Buckman*, 190 Wn.2d at 59 (quoting *State v. Mendoza*, 157 Wn.2d 582, 591, 141 P.3d 49 (2006)).

Here, as Appellant dutifully catalogues, Ramos-Lopez pleaded guilty as part of a thorough plea process in which he was receiving a substantial reduction from his original charges of two counts of Child Molestation in the First Degree. Brief of Appellant at 3-6; RP 1-8. In pleading guilty, Ramos-Lopez filled out a written statement on plea of guilty in compliance with CrR 4.2(g) and acknowledged that he had read it and understood it and that its contents were true by signing off on the statement. CP 8-18. Furthermore, an interpreter “had previously read to the defendant the entire statement” and declared “that the defendant understood it in full.” CP 18.

Also attached to Ramos-Lopez's statement on plea of guilty was the pretrial settlement agreement, which included the pertinent, direct consequences of pleading guilty. CP 21-25. Ramos-Lopez also signed this document. CP 25. Finally, these documents, the direct consequences of his plea, and the voluntariness of the plea were all orally discussed with Ramos-Lopez prior to the trial court accepting the plea and concluding that the plea was "knowingly, intelligently, and voluntarily made, that there's a factual basis of the plea." RP 7-8.

The above evidence establishes that, in fact, Ramos-Lopez's plea was knowingly, intelligently, and voluntarily made. There is no evidence in the record to the contrary. Accordingly, the State does not object to Appellant's motion to withdraw pursuant to RAP 15.2(i) and RAP 18.3(a)(2) and agrees with its conclusion that the appeal does not present any issues of merit. The State asks this court to affirm Ramos-Lopez's conviction and sentence.

//

//

**CONCLUSION**

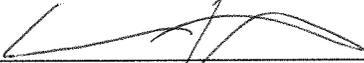
For the reasons argued above, this Court should affirm Ramos-Lopez's conviction and sentence.

DATED this 13<sup>th</sup> day of September, 2018.

Respectfully submitted:

ANTHONY F. GOLIK  
Prosecuting Attorney  
Clark County, Washington

By:

  
AARON T. BARTLETT, WSBA #39710  
Deputy Prosecuting Attorney  
OID# 91127

**CLARK COUNTY PROSECUTING ATTORNEY**

**September 14, 2018 - 8:15 AM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 51686-1  
**Appellate Court Case Title:** State of Washington, Respondent v. Juan Ramos Lopez, Appellant  
**Superior Court Case Number:** 16-1-02357-6

**The following documents have been uploaded:**

- 516861\_Briefs\_20180914081423D2868925\_1277.pdf  
This File Contains:  
Briefs - Respondents  
*The Original File Name was Brief - Respondent.pdf*

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

- gibsonc@nwattorney.net

**Comments:**

---

Sender Name: Ashley Smith - Email: ashley.smith@clark.wa.gov

**Filing on Behalf of:** Aaron Bartlett - Email: aaron.bartlett@clark.wa.gov (Alternate Email: CntyPA.GeneralDelivery@clark.wa.gov)

Address:  
PO Box 5000  
Vancouver, WA, 98666-5000  
Phone: (360) 397-2261 EXT 5686

**Note: The Filing Id is 20180914081423D2868925**