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Division II  
State of Washington  
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No. 53832-6-II

IN THE COURT APPEALS OF THE STATE OF WASHINGTON  
DIVISION TWO

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STATE OF WASHINGTON,

Respondent,

v.

THOMAS LOEL PLEASANT,

Appellant.

---

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

---

BRIEF OF APPELLANT

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## A. SUMMARY OF ARGUMENT

Thomas Pleasant pleaded guilty to one count of first degree robbery and one count of second degree assault. Although he argued the two offenses were the same criminal conduct, the court's imposition of convictions for both offenses violated double jeopardy as the assault count merged into the robbery count. In addition, the court's imposition of an exceptional sentence under the "free crimes" aggravator was without authority as the two current offenses were accounted for in his offender score. Finally, the accrual of interest on legal financial obligations was error. Mr. Pleasant's sentence should be vacated and remanded for resentencing.

## B. ASSIGNMENTS OF ERROR

1. Imposition of sentences for first degree robbery and second degree assault violated double jeopardy.

2. The trial court erred in failing to find the second degree assault and first degree robbery convictions to be the same criminal conduct.

3. In the absence of statutory authority, the trial court erred in imposing an exceptional sentence.

4. The trial court erred in requiring non-restitution legal financial obligations to accrue interest.

#### C. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. Absent legislative intent, imposition of multiple convictions for the same offense violates double jeopardy. Under the merger doctrine, where one offense elevates the degree of the greater offense, imposition of sentences for both offenses violates double jeopardy. Here, Mr. Pleasant's conviction for second degree assault elevated the robbery conviction to first degree. Does imposition of sentences for both offenses violate double jeopardy necessitating reversal and remand for resentencing solely on the robbery count?

2. Convictions which occur at the same time and place, involves the same victim, and shares the same intent are counted as a single point in the defendant's offender score. The second degree assault and first degree robbery convictions occurred at the same time and place, involved the same victim, and the assault furthered the robbery. Is Mr. Pleasant entitled to reversal of his sentence and remand for resentencing because the court misapplied the law governing same criminal conduct?

3. It is permissible for a court impose an exceptional sentence based on the defendant's criminal history if a statute grants the court this discretion. Courts lack statutory authority to impose an exceptional sentence merely because the defendant has a lengthy criminal history. However, two bases exist for a court to impose an exceptional sentence based in part on a defendant's criminal history. One basis is if the defendant is currently being sentenced for multiple offenses and the defendant's offender score does not account for all of the offenses. The other statutory basis that allows a court to impose an exceptional sentence is where the defendant has criminal history that cannot be scored per the Sentencing Reform Act (SRA). Neither of these two circumstances apply in Mr. Pleasant's case. Should this Court reverse the exceptional sentence and remand for resentencing to a standard range sentence?

4. Recent amendments have established that interest does not accrue for non-restitution legal financial obligations. Did the trial court err in ordering the legal financial obligations in Mr. Pleasant's case to accrue interest in violation of the statute?

D. STATEMENT OF THE CASE

Thomas Pleasant pleaded guilty to one count of first degree robbery and one count of second degree assault. CP 9-19. Mr. Pleasant stipulated the State had accurately calculated his offender score. CP Supp \_\_, Sub No. 22. Mr. The State sought an exceptional sentence based upon Mr. Pleasant’s criminal record:

16           Given the legislative intent behind RCW 9A.535, the defendant does not  
17           deserve a standard range sentence. The defendant has demonstrated a history of  
18           violent criminal activity throughout his life. The defendant is a threat to the general  
19           public and he should not be rewarded with a standard range sentence simply because  
20           he committed all of these violent and serious violent offenses before he was caught and  
21           prosecuted on any one of them.  
22  
23           The facts of this case, the impact on the victim, and the criminal history of the  
24           defendant, justify an exceptional sentence above the standard range on each count and  
25           consecutive to each other.  
26

CP 50. Mr. Pleasant urged the court to consider the two current offenses to be the same criminal conduct. 9/20/2019RP 11-14.

Without determining whether the two current offenses were the same criminal conduct, the trial court agreed with the State and imposed an exceptional sentence of 25 years on the robbery count and 84 months on the assault count pursuant to the “free crimes aggravator.”

So whether he has 13 points or 15 points, again, my sentence would be the same. I'm making the finding that the free crimes aggravator applies here. When I look at the number of offenses, the kinds of offenses, the impact that this has on the victim, all of these things, I think this sentence is appropriate.

9/20/2019RP 22.<sup>1</sup> The court's findings in support of the exceptional sentence mirror this conclusion:

2.7 The defendant's offender score for each of his current offenses are over 9 points.

2.8 The defendant has committed multiple current offenses and the defendant's high offender score results in one of the current offenses going unpunished. Therefore, there exists a legal basis for imposition of an exceptional sentence beyond the standard range.

CP 106.

In a boilerplate paragraph in the Judgment and Sentence, the court stated: "The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090." CP 101.

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<sup>1</sup> RCW 9.94A.535(2)(c) is colloquially referred to as the "free crimes aggravator." *State v. Alvarado*, 164 Wn.2d 556, 563-64, 192 P.3d 345 (2008).

## E. ARGUMENT

### **1. The two convictions merged, and Mr. Pleasant should have been sentenced only on the robbery conviction.<sup>2</sup>**

#### *a. Multiple convictions for the same act violate double jeopardy.*

The Double Jeopardy Clause of the Fifth Amendment to the United States Constitution provides that “[n]o person shall ... be subject for the same offence to be twice put in jeopardy of life or limb.” Article I, section 9 of the Washington State Constitution provides that “[n]o person shall ... be twice put in jeopardy for the same offense.” The two clauses provide the same protection. *In re Personal Restraint of Borrero*, 161 Wn.2d 532, 536, 167 P.3d 1106 (2007); *State v. Weber*, 159 Wn.2d 252, 265, 149 P.3d 646 (2006). Among other things, the double jeopardy provisions bar multiple punishments for the same offense. *North Carolina v. Pearce*, 395 U.S. 711, 717, 89 S.Ct. 2072, 23 L.Ed.2d 656 (1969).

The Legislature can enact statutes imposing, in a single proceeding, cumulative punishments for the same conduct. “With

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<sup>2</sup> By pleading guilty, Mr. Pleasant did not waive a claim that the sentences for the two convictions violated double jeopardy. Pleading guilty does not waive a double jeopardy challenge. *In re Francis*, 170 Wn.2d 517, 522, 242 P.3d 866 (2010).

respect to cumulative sentences imposed in a single trial, the Double Jeopardy Clause does no more than prevent the sentencing court from prescribing greater punishment than the legislature intended.” *Missouri v. Hunter*, 459 U.S. 359, 366, 103 S.Ct. 673, 74 L.Ed.2d 535 (1983). If the Legislature intended to impose multiple punishments, their imposition does not violate the double jeopardy clause. *Id.* at 368.

Where a single trial and multiple punishments for the same act or conduct are at issue, the initial and often dispositive question is whether the Legislature intended that multiple punishments be imposed. *State v. Kier*, 164 Wn.2d 798, 804, 194 P.3d 212 (2008). If there is clear legislative intent to impose multiple punishments for the same act or conduct, this is the end of the inquiry and no double jeopardy violation exists. If such clear intent is absent, then the court applies the *Blockburger* “same evidence” test to determine whether the crimes are the same in fact and law. *State v. Calle*, 125 Wn.2d 769, 777-78, 888 P.2d 155 (1995).

Under the *Blockburger* test, “where the same act or transaction constitutes a violation of two distinct statutory provisions, the test to be applied to determine whether there are two offenses or only one, is whether each provision requires proof of a fact which the other does

not.” *Blockburger v. United States*, 284 U.S. 299, 304, 52 S.Ct. 180, 76 L.Ed. 306 (1932). If application of the *Blockburger* test results in a determination that there is only one offense, then imposing two punishments violates double jeopardy. The assumption underlying the *Blockburger* rule is that the Legislature ordinarily does not intend to punish the same conduct under two different statutes; the *Blockburger* test is a rule of statutory construction applied to discern legislative purpose *in the absence of clear indications of contrary legislative intent*. *Hunter*, 459 U.S. at 368.

In the case of first degree robbery and second degree assault such as here, courts have recognized that this inquiry “is a dead end; the relevant statutes provide no express or implicit representations.” *Francis*, 170 Wn.2d at 523.

Double jeopardy challenges are reviewed *de novo*. *State v. Freeman*, 153 Wn.2d 765, 770, 108 P.3d 753 (2005).

*b. The first degree robbery merged with the second degree assault where the assault elevated the robbery to first degree.*

Under the merger doctrine, the conviction for assault should have merged with the robbery, as the assault was the sole evidence of the force used to elevate the robbery to first degree.

The merger doctrine is another aid in determining legislative intent, even when two crimes have different elements. Under the merger doctrine, when the degree of one offense is raised by conduct separately criminalized by the Legislature, it must be presumed the Legislature intended to punish both offenses through a greater sentence for the greater crime. *State v. Vladovic*, 99 Wn.2d 413, 419, 662 P.2d 853 (1983). In assessing whether two offenses merge, the court looks not to how the State *could* have charged the offenses, but how the State *actually* charged the defendant. *Francis*, 170 Wn.2d at 525.

As charged here, a person commits robbery when he unlawfully takes property from the person of another by force or fear. RCW 9A.56.190. If a person commits robbery while armed with or displaying a deadly weapon, the crime is robbery in the first degree. RCW 9A.56.200. An assault in the second degree is committed by, among other means, intentional assault of another with a deadly weapon. RCW 9A.36.021(1)(c).

In *Freeman, supra*, the Washington Supreme Court recognized that when an assault elevates a robbery to first degree, generally the two offenses are the same for double jeopardy purposes. *Freeman*, 153 Wn.2d at 758; *see also Kier*, 164 Wn.2d at 801-02. The assault here

elevated the robbery to first degree as both were done with a deadly weapon.

*Freeman* controls the analysis here. In *Freeman*, defendant Zumwalt punched a woman and stole \$300 in cash and casino chips. He was convicted of first degree robbery and second degree assault. The Supreme Court held that the two crimes merged: “[T]o prove first degree robbery as charged [,] . . . the State had to prove [Zumwalt] committed an assault in furtherance of the robbery. . . . [W]ithout the conduct amounting to assault, [Zumwalt] would be guilty of only second degree robbery.” *Freeman*, 153 Wn.2d at 778.

Here, in his Statement of Defendant on Plea of Guilty, Mr. Pleasant provided:

- 11. The judge has asked me to state what I did in my own words that makes me guilty of this crime.  
 This is my statement: ON 7-15-08 IN LEWIS COUNTY I ROBBERED  
A SUBWAY EMPLOYEE OF CASH FROM THE STORE. AT  
THE TIME I POINTED A FIREARM AT HER DURING  
THE ROBBERY.

CP 18. Thus, the force used to elevated the robbery from second degree to first degree was the evidence of the assault with a deadly weapon. The assault should have merged into the robbery count, thus the court erred in failing to merge the two offenses.

c. *Mr. Pleasant's sentences must be reversed and remanded for resentencing.*

The merger doctrine applies at the time of sentencing, and its purpose is to correct violations of the prohibition against double jeopardy. *State v. Chesnokov*, 175 Wn.App. 345, 355, 305 P.3d 1103 (2013). The usual remedy for violations of the prohibition against double jeopardy is to vacate the lesser offense. *Freeman*, 153 Wn.2d at 772-73; *State v. Hughes*, 166 Wn.2d 675, 686 n. 13, 212 P.3d 558 (2009).

This Court should reverse Mr. Pleasant's sentence to vacate the assault conviction and resentence him accordingly.

**2. The assault and unlawful imprisonment convictions were the same criminal conduct.**

If this Court refuses to find the assault merged with the robbery, the trial court erred in refusing to find the two offenses were the same criminal conduct. The second degree assault and first degree robbery offenses occurred at the same time and place and against the same victim. The only issue was whether Mr. Pleasant committed these offenses with the same criminal intent. Since he did, the two offenses are the same criminal conduct.

a. *The two offenses occurred at the same time and same place and involved the same victim.*

A person's offender score may be reduced if the court finds two or more of the criminal offenses constitute the same criminal conduct. RCW 9.94A.589(1)(a). Same criminal conduct "means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim." *Id.*

The "same time" element does not require that the crimes occur simultaneously. *State v. Porter*, 133 Wn.2d 177, 185-86, 942 P.2d 974 (1997). Individual crimes may be considered the same criminal conduct if they occur during an uninterrupted incident. *Porter*, 133 Wn.2d at 185-86.

Mr. Pleasant's statement in his guilty plea established the two offenses occurred during an uninterrupted incident and involved the same victim, Ms. Thormahlen.

*b. The two offenses shared the same intent.*

In the same criminal conduct context, intent is the offender's objective criminal purpose in committing the crime. *State v. Adame*, 56 Wn.App. 803, 811, 785 P.2d 1144 (1990). In this context, intent is not the *mens rea* element of the particular crime, but rather is the defendant's objective criminal purpose in committing the crime. *Id.* The "same criminal intent" element examines whether the defendant's objective intent changed from one act to the next. *State v. Dunaway*, 109 Wn.2d 207, 215, 743 P.2d 1237, 749 P.2d 160 (1987). For example, if a defendant kidnaps a victim for the sole purpose of furthering an additional crime, such as rape, the two crimes are the same criminal conduct. *See Dunaway*, 109 Wn.2d at 215; *State v. Longuskie*, 59 Wn.App. 838, 841, 801 P.2d 1004 (1990) (kidnapping and child molestation are the same criminal conduct when defendant abducts victim to molest him and stays in several different motels during the course of the crime).

The fact that one crime furthered commission of the other may also indicate the presence of the same intent. *State v. Vike*, 125 Wn.2d 407, 411, 885 P.2d 824 (1994); *State v. Lessley*, 118 Wn.2d 773, 777, 827 P.2d 996 (1992).

In *Dunaway*, the defendant carjacked two women and forced them to drive for a limited time, taking money from them and stopping at a bank in an attempt to get more money. The Supreme Court held that the objective intent, robbery, remained the same for both the kidnapping and robbery offenses. The Court also found that the kidnapping furthered the robbery and the crimes were committed at the same time and place. *Dunaway*, 109 Wn.2d at 217.

Here, as Mr. Pleasant's statement in his guilty plea states,<sup>3</sup> the two offenses shared the same criminal intent because the assault provided the force for the commission of the assault and elevated the robbery to first degree. At sentencing, despite Mr. Pleasant's request to find the two offenses to be the same criminal conduct, the court refused to make a finding. 9/20/2019RP 21. This was error on the court's part, given the evidence before it and the fact the two offenses shared the same intent.

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<sup>3</sup> In sentencing Mr. Pleasant, the court was limited to that "admitted by the plea agreement, or admitted, acknowledged, or proved in a trial or at the time of sentencing." RCW 9.94A.530(2).

The two offenses shared the same criminal intent, involved the same victim, and occurred at the same time and place. Thus the trial court should have found them to be the same criminal conduct.

*c. Mr. Pleasant is entitled to reversal of the sentences and remand for resentencing.*

The determination of same criminal conduct is reviewed for abuse of discretion or misapplication of the law. *State v. Maxfield*, 125 Wn.2d 378, 402, 886 P.2d 123 (1994). A refusal to exercise discretion also constitutes an abuse of discretion. *State v. Garcia-Martinez*, 88 Wn.App. 322, 330, 944 P.2d 1104, *review denied*, 136 Wn.2d 1002 (1998).

“A determination of ‘same criminal conduct’ at sentencing affects the standard range sentence by altering the offender score.” *State v. Graciano*, 176 Wn.2d 531, 535, 295 P.3d 219 (2013). The remedy for an incorrect offender score is reversal of the sentence and remand to the trial court for resentencing. *State v. Haddock*, 141 Wn.2d 103, 115-16, 3 P.3d 733 (2000).

Here, the court refused to exercise its discretion to determine whether the two offenses were the same criminal conduct, thus constituting an abuse of discretion. *Garcia-Martinez*, 88 Wn.App. at

330. Further, since the two offenses were committed at the same time and place, involved the same victim, and shared intent, the court erred in refusing to find them to be the same criminal conduct. Mr. Pleasant is entitled to the reversal of his sentence and remand for resentencing.

**3. The trial court lacked a basis for imposition of an exceptional sentence, thus Mr. Pleasant's sentence must be reversed.**

*a. The "free crimes" aggravator is inapplicable.*

The trial court here erred by imposing an exceptional sentence because the trial court lacked constitutional and statutory authority.

A sentence above the standard range may be imposed if an aggravating factor is present to justify its imposition. RCW 9.94A.535. The trial court has discretion to impose an exceptional sentence above the standard range if the aggravating factor present in a defendant's case is one that is enumerated in RCW 9.94A.535(2). In the alternative, a jury must determine whether the aggravating factor is sufficient to impose an exceptional sentence above the standard range in accordance with RCW 9.94A.535(3).

Specifically, RCW 9.94A.535(2) provides that the trial court may impose an exceptional sentence above the standard range that is based on a defendant's prior criminal history only if (1) the defendant

has committed multiple offenses and the defendant's offender score does not account for all of the offenses committed; or (2) the defendant's prior criminal history was omitted from the defendant's offender score calculation, resulting in a sentence that is too lenient. RCW 9.94A.535(2)(c)-(d). To reverse an exceptional sentence, this Court must find (1) under a clearly erroneous standard, that the reasons given by the trial court are not supported by the record; (2) under a de novo standard, that the reasons supplied by the trial court do not justify an exceptional sentence; or (3) under an abuse of discretion standard, that the sentence is excessive or too lenient. *Alvarado*, 164 Wn.2d at 560-61. Because the trial court lacked the authority to impose the exceptional sentence, the second standard applies, and this Court reviews this issue de novo. *Id.*

Here, the trial court erred by imposing an exceptional sentence above the standard range because the trial court lacked statutory authority to do so. The reason supplied by the trial court to justify the aggravating factor was Mr. Pleasant's extensive criminal history resulting in his offender score of 13 or 15. However, a defendant's criminal history does not justify an exceptional sentence above the standard range unless (1) the defendant has committed multiple current

offenses and all of the offenses are not adequately accounted for in the defendant's offender score; or (2) the defendant's prior criminal history was eliminated from the calculation of the defendant's offender score and, as a result, the defendant received a sentence that was too lenient. RCW 9.94A.535(2)(c)-(d). Neither circumstance exists here. Mr. Pleasant was convicted of two offenses, both of which counted in his offender score, and his prior convictions were already accounted for in calculating his offender score.

The decision in *Alvarado* provides some assistance in addressing this issue. In *Alvarado*, the defendant was charged with six felonies and two gross misdemeanors. The State sought an exceptional sentence against Alvarado, noting that his offender score was 21 based upon his current crimes and prior lengthy criminal history. *Alvarado*, 164 Wn.2d at 559-60. The trial court imposed standard ranges on all but one count. Relying on RCW 9.94A.535(2)(c), the trial court imposed an exceptional sentence on the remaining count, remarking that an exceptional sentence was appropriate because the defendant had committed multiple current offenses and his offender score was the highest that the trial judge had seen in 14 years. *Id.* The trial court concluded that sentencing the defendant within the standard range

would have resulted in five current offenses going unpunished. *Id.* The Supreme Court affirmed only because some of the current offenses would have gone unpunished in a standard range sentence. *Alvarado*, 164 Wn.2d at 563. *See also State v. Hanowell*, No. 53279-4-II, 2020 WL 1221184 (Div. II, Mar. 12, 2020) (court lacked authority to impose an exceptional sentence under the “free crimes aggravator” where the defendant was sentenced on single count with offender score of 37, because he was not convicted of multiple current offenses and prior convictions were already counted in offender score).<sup>4</sup>

Here, Mr. Pleasant pleaded guilty to two offenses, and his previous offenses were used in calculating his offender score of 13 or 15. As opposed to *Alvarado* where the defendant was convicted of six offenses, Mr. Pleasant was only convicted of two, and they counted against each other as a current offense in the offender score, thereby adding to the standard range and not going unpunished. Further, Mr. Pleasant’s prior criminal history was already counted in his offender score as well. Thus, the reason supplied by the trial court does not

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<sup>4</sup> Unpublished decision cited pursuant to GR 14-1 14.1(a) not as nonbinding authority but nevertheless persuasive.

justify the 25 year exceptional sentence. As a consequence, the trial court lacked the authority to impose an exceptional sentence.

*b. Mr. Pleasant is entitled to reversal of his sentence and remand for resentencing.*

Initially, this Court must remand for resentencing since the trial court failed to correctly calculate Mr. Pleasant's offender score prior to imposing an exceptional sentence.

The sentencing court is required to correctly determine the standard range before it can impose an exceptional sentence. *State v. Parker*, 132 Wn.2d 182, 188, 937 P.2d 575 (1997). Here, the court never identified the offender score, instead referring to it as either a "13" or "15." 9/20/2019RP 22. Since the court failed to correctly calculate the offender score, remand is required.

Further, where the factor relied upon by the trial court was insufficient to justify the exceptional sentence, remand for resentencing within the standard range is required. *State v. Ha'mim*, 132 Wn.2d 834, 847, 940 P.2d 633 (1997). Here, the sole factor relied upon by the trial court was the "free crimes" exception which was simply inapplicable to Mr. Pleasant. This Court must reverse the exceptional sentence and remand for resentencing to a standard range sentence.

**4. The requirement in the Judgment and Sentence that interest accrue on non-restitution legal financial obligations must be stricken.**

A boilerplate paragraph in section 4.3 of the Judgment and Sentence required accrual of interest on all financial obligations:

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090.

CP 101.

In 2018, the legislature amended several statutes addressing legal financial obligations. Laws of 2018, ch. 269. The Supreme Court held that these amendments apply prospectively and are applicable to cases pending on direct review. *State v. Ramirez*, 191 Wn.2d 732, 747, 426 P.3d 714 (2018). Under *Ramirez*, discretionary costs may not be imposed on indigent defendants. The amendments also prohibit the accrual of interest on non-restitution legal financial obligations. RCW 10.82.090. The trial court erred in requiring the LFOs to accrue interest. This provision should be stricken.

F. CONCLUSION

For the reasons stated, Mr. Pleasant asks this Court to reverse his sentence and remand for the court to vacate the assault conviction and resentence him. Alternatively, this Court should reverse the exceptional sentence as without statutory basis and resentence him to a standard range sentence. This Court should also strike the interest accrual provision.

DATED this 1<sup>st</sup> day of April 2020.

Respectfully submitted,

*s/Thomas M. Kummerow*

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

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STATE OF WASHINGTON,	)	
	)	
Respondent,	)	
	)	
v.	)	NO. 53832-6-II
	)	
THOMAS PLEASANT,	)	
	)	
Appellant.	)	

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**DECLARATION OF DOCUMENT FILING AND SERVICE**

I, MARIA ARRANZA RILEY, STATE THAT ON THE 1<sup>ST</sup> DAY OF APRIL, 2020, I CAUSED THE ORIGINAL **OPENING BRIEF OF APPELLANT** TO BE FILED IN THE **COURT OF APPEALS – DIVISION TWO** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

<input checked="" type="checkbox"/> SARA BEIGH, DPA [appeals@lewiscountywa.gov] [sara.beigh@lewiscountywa.gov] LEWIS COUNTY PROSECUTING ATTORNEY 345 W MAIN ST FL 2 CHEHALIS, WA 98532	( ) ( ) (X)	U.S. MAIL HAND DELIVERY E-SERVICE VIA PORTAL
<input checked="" type="checkbox"/> THOMAS PLEASANT 936385 STAFFORD CREEK CORRECTIONS CENTER 191 CONSTANTINE WY ABERDEEN, WA 98520-9504	(X) ( ) ( )	U.S. MAIL HAND DELIVERY _____

**SIGNED** IN SEATTLE, WASHINGTON THIS 1<sup>ST</sup> DAY OF APRIL, 2020.



X \_\_\_\_\_

**Washington Appellate Project**  
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# WASHINGTON APPELLATE PROJECT

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**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 53832-6  
**Appellate Court Case Title:** State of Washington, Respondent v Thomas Loel Pleasant, Appellant  
**Superior Court Case Number:** 08-1-00600-4

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