

**FILED**

JAN 27, 2014

Court of Appeals  
Division III  
State of Washington

**NO. 31823-1-III**

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**COURT OF APPEALS, DIVISION III  
OF THE STATE OF WASHINGTON**

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**STATE OF WASHINGTON,**

**RESPONDENT,**

**v.**

**EARL ANTHONY NAVARETTE,**

**APPELLANT.**

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**BRIEF OF RESPONDENT**

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**D. ANGUS LEE  
PROSECUTING ATTORNEY**

**By: Carole L. Highland, WSBA #20504  
Deputy Prosecuting Attorney  
Attorney for Respondent**

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**I. IDENTITY OF RESPONDENT**

The State of Washington, represented by the Grant County Prosecuting Attorney's Office, is the Respondent herein.

**II. RELIEF REQUESTED**

The State concurs with Appellant's request that his sentence be vacated and the matter remanded for the trial court to conduct a factual comparability analysis of Appellant's three prior burglary convictions, and one prior assault conviction. The State further concurs that the matter should be remanded to correct errors in the Appellant's Judgment and Sentence to state that the Appellant was found guilty of a Class C felony, with a maximum term of confinement of five years.

**III. CONCLUSION**

Although the State presented certified copies of Appellant's out of state convictions at the time of Mr. Navarette's sentencing, no comparability analysis was conducted. Appellant's sentence should be vacated and the matter remanded for an evidentiary hearing and resentencing. Additionally, the Judgment and Sentence should be corrected to reflect the appropriate term of

potential confinement for the Class C felony for which Appellant was convicted.

DATED THIS 23<sup>rd</sup> day of January, 2014.

Respectfully submitted:

D. ANGUS LEE, WSBA #36473  
Grant County Prosecuting Attorney

*Carole L. Highland*

By: Carole L. Highland, WSBA #20504  
Deputy Prosecuting Attorney

COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION III

STATE OF WASHINGTON,	)	
	)	
Respondent,	)	No. 31823-1-III
	)	
vs.	)	
	)	
EARL ANTHONY NAVARETTE,	)	DECLARATION OF SERVICE
	)	
Appellant.	)	
_____	)	

Under penalty of perjury of the laws of the State of Washington, the undersigned declares:

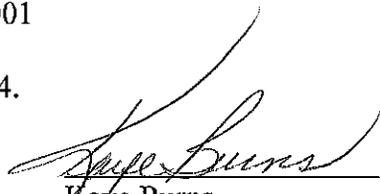
That on this day I served a copy of the Brief of Respondent in this matter by e-mail on the following party, receipt confirmed, pursuant to the parties' agreement:

Jill S. Reuter  
Janet G. Gemberling  
[admin@gemberlaw.com](mailto:admin@gemberlaw.com)

That on this day I deposited in the mails of the United States of America a properly stamped and addressed envelope directed to Appellant containing a copy of the Brief of Respondent in the above-entitled matter.

Earl Anthony Navarette - #808459  
Airway Heights Correction Center  
PO Box 1899  
Airway Heights WA 99001

Dated: January 27, 2014.

  
\_\_\_\_\_  
Kaye Burns