

34577-7-III

FILED
MAR 13, 2017
Court of Appeals
Division III
State of Washington

COURT OF APPEALS
DIVISION III
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

LONNIE D. GLEIM, JR.,

Appellant.

APPEAL FROM RE-SENTENCING
FROM THE SUPERIOR COURT
OF WALLA WALLA COUNTY

RESPONDENT'S BRIEF

Respectfully submitted:



by: Teresa Chen, WSBA 31762
Deputy Prosecuting Attorney

P.O. Box 5889
Pasco, Washington 99301
(509) 545-3561

TABLE OF CONTENTS

	Page No.
I. <u>IDENTITY OF RESPONDENT</u>	1
II. <u>RELIEF REQUESTED</u>	1
III. <u>ISSUES</u>	1
IV. <u>STATEMENT OF THE CASE</u>	1
V. <u>ARGUMENT</u>	8
A. <u>The Court Did Not Abuse Its Discretion In Denying The Motion To Withdraw Guilty Plea</u>	8
B. <u>The Court Did Not Abuse Its Discretion In Imposing The Mandatory Clerk’s Filing Fee</u>	14
C. <u>Appellate Costs Should Be Imposed If The State Prevails On Appeal</u>	16
VI. <u>CONCLUSION</u>	18

TABLE OF AUTHORITIES

State Cases

Page No.

State v. Blazina,
182 Wn.2d 827, 344 P.3d 680 (2015)..... 15, 17

State v. Coppin,
57 Wn. App. 866, 791 P.2d 228 (1990)..... 12

State v. Kuster,
175 Wn. App. 420, 306 P.3d 1022 (2013)..... 14, 15

State v. Lamb,
175 Wn.2d 121, 285 P.3d 27 (2012)..... 8

State v. Malone,
193 Wn. App. 762, 376 P.3d 443 (2016)..... 15

State v. Sledge,
133 Wn.2d 828, 947 P.2d 1199 (1997)..... 7, 12

State v. Stoddard,
192 Wn. App. 222, 366 P.3d 474 (2016)..... 15

State v. Talley,
134 Wn.2d 176, 949 P.2d 358 (1998)..... 12

Statutes and Rules

Page No.

36.18 RCW	16
RCW 36.18.020	4, 14, 15, 16
RCW 43.43.7541	7
RCW 7.68.035	7
RCW 9.94A.431.....	12
RCW 9.94A.535.....	2
RCW 9.94A.701.....	4, 9

Secondary Authority

ABA Criminal Justice Standard 21-2.3, <i>ABA Standards for Criminal Justice: Prosecution and Defense Function</i> , 3d ed. (1993).....	15-16
---	-------

I. IDENTITY OF RESPONDENT

The State of Washington, represented by the Walla Walla County Prosecutor, is the Respondent herein.

II. RELIEF REQUESTED

Respondent asserts no error occurred in the resentencing of the Appellant.

III. ISSUES

1. Did the court abuse its discretion in deny the motion to withdraw guilty plea predicated on an alleged breach of the plea agreement, when the prosecutor made the agreed upon recommendation?
2. Did the court abuse its discretion in imposing a mandatory LFO?
3. If the State substantially prevails on appeal, should costs be imposed?

IV. STATEMENT OF THE CASE

The Defendant Lonnie Dean Gleim was charged with ten counts of possession of child pornography in the first degree and two counts of dealing in child pornography in the first degree. CP 5-9. He pled guilty to four counts of possession of child pornography in the first degree. CP 10-23. The prosecutor agreed to recommend a sentence below the standard range of only 36 months for the reason that the operation of the multiple

offense policy results in a presumptive sentence that “can” be clearly excessive. CP 14 (quoting RCW 9.94A.535(1)(g)).

Prior to sentencing, Community Corrections Officer (CCO) Smith prepared a presentence investigation (PSI) in which she interviewed the defendant twice, before and after reviewing his criminal history and previous statements to law enforcement. CP 109-21. Catching him in multiple lies, she commented: “All of this dishonesty makes me wonder if anything Mr. Gleim reported is credible.” CP 116. “In light of his significant deceitfulness I believe it is imperative a sexual history polygraph be conducted, as without full disclosure counseling isn’t likely to be effective.” CP 118. She noted that “most of his social interactions occurred online under fictitious identities,” and he has a history of engaging in relationships with minors under a Facebook profile in which he purports to be 19 years old. CP 117.

The report concludes:

Mr. Gleim appears to have a significantly longer history of viewing child pornography than originally believed. He was tremendously dishonest, calling into question the validity of all of his statements. He is extremely lucky in that his prior felonies did not count as they only washed as of 4/22/13; had that not been the case I believe an exceptional sentence upward would have been appropriate. This is not a case of someone “accidentally” stumbling onto child pornography; this is someone who has been

pursuing and viewing child pornography for years, has already been prosecuted for this once, continued in his addiction, and lied to everyone involved regarding the depth of his problem. He was living with Manuel and Manuel's two year old daughter at the time of the Nevada charges; luckily there is no evidence of abuse of her, but obviously the concern is Mr. Gleim taking that next step. He voiced that concern himself, stating he was afraid of "becoming like my (Mr. Gleim's) uncle and cousin."

CP 118.

At the original sentencing hearing, the Honorable Judge Wolfram said he understood the joint recommendation, but chose to follow the Department's recommendation. CP 107. The judge sentenced the Defendant to a standard range sentence of 102 months incarceration followed by 36 months community custody. CP 30.

Appeal: On appeal, the Defendant's counsel made two assignments of error. CP 92. First, the Defendant complained that, depending on the early release he is able to earn, the combined incarceration and community custody could exceed the statutory maximum of 120 months. CP 92. And second, he challenged the finding of his ability to pay LFO's. CP 92.

The Court of Appeals remanded "to either amend the community term or to resentence [Mr. Gleim] consistent with the statute" in its discretion and to conduct a proper *Blazina* inquiry. CP 97-98, 102. In a

footnote, the Court commented that \$200 in “court costs” may represent the criminal filing fee mandated under RCW 36.18.020(2)(h), but this was not clear. CP 102.

The Court also considered and rejected the Defendant’s argument in the Statement of Additional Grounds that the sentencing court erred by rejecting the parties’ joint recommendation for an exceptional downward sentence. CP 92-93, 105-08.

Remand: On June 13, 2016, the prosecutor James Nagle informed the court of the general purpose of the hearing. RP 1. “[T]his matter is back before the Court pursuant to an order of the Court of Appeals on remand requiring the Court to amend the Community Custody term to comply with RCW 9.94A.701(9) and also to conduct an individualized inquiry into Mr. Gleim’s ability to pay LFO’s.” RP 1. Defense counsel Jerry Makus represented that the opinion remanded for a full resentencing and that he needed more time to prepare. RP 2.

The hearing was continued to June 27, at which time the prosecutor presented Judge Wolfram with a choice of two forms “for the Court’s discretion either [] an order amending the previous judgment and sentence or an amended judgment and sentence that goes through everything.” RP 4. “I will hand up both proposed documents.” RP 4.

Defense persisted that the court did not have discretion to do anything less than a full resentencing. RP 4. Pressing forward, defense informed the court, "we entered a plea agreement with the prosecutor for an exceptional sentence downward." RP 5. After defense counsel had advocated for the joint recommendation at some length, the court then asked counsel to address ability to pay. RP 4-8. Counsel stated that his client qualified for full VA disability, but could pay \$50 a month. RP 8-9.

THE COURT: Okay. Mr. Nagle, do you have anything further?

MR. NAGLE: No, your Honor.

THE COURT: Okay. Let me --

MR. MAKUS: We wish to make a motion, your Honor.

THE COURT: Pardon me?

MR. MAKUS: We wish to make a motion.

THE COURT: Okay.

MR. MAKUS: We wish to withdraw our guilty plea. The prosecutor has an obligation at this time on this sentence to make a recommendation of well below the standard range. He has failed to do so. We are entitled to that as part of the plea agreement. We have not received it. And now we wish to withdraw our guilty plea.

And we are entitled to do so under Court Rule 4.2(e) and (f). And there's no question that if the prosecutor fails to fulfill the plea agreement, we are entitled to withdraw our guilty plea.

MR. NAGLE: The State didn't --

MR. MAKUS: And so we move.

MR. NAGLE: The State hasn't changed its recommendation. It is stated in what the plea of guilty says, your Honor. So, I guess, if that is a fundamental technicality, we reiterate what the plea

agreement said, we reiterate our recommendation.

THE COURT: I have the recommendation from both parties on that, counsel.

MR. MAKUS: If his recommendation is forcing us to go ahead and recommend it, your Honor, we will. It is not a fulfillment of the plea agreement. When you make a plea agreement, the prosecutor is supposed to make the recommendation with some degree of advocacy. He has not done so in this case.

THE COURT: Counsel, do you want sentencing continued?

MR. MAKUS: No, I don't want the sentencing continued. I want to withdraw the guilty plea because the prosecutor has not fulfilled their agreement.

THE COURT: Okay.

MR. MAKUS: Clearly has not fulfilled it. And I will -- If the Court wants to deny the motion, I will prepare the appropriate papers and you can sign the appropriate papers saying our motion is denied for whatever the reason the Court wishes to give.

THE COURT: The motion is denied.

MR. MAKUS: Does the Court wish to give a reason?

THE COURT: The plea agreement is stated in the file and it has the recommendation from both parties. I know what the plea agreement is and what the recommendation is and it has not been changed.

MR. MAKUS: The recommendation has not been changed, but why the recommendation was made has not been articulated.

THE COURT: You can do that if you would like.

MR. MAKUS: I'm asking the prosecutor to do it. He's the one who made the agreement that he would recommend it.

THE COURT: Is there anything you want to add?

MR. MAKUS: There is nothing I want to add.

THE COURT: Thank you.

RP 9-11. The court then resentenced the Defendant. RP 11-13. The court imposed \$800 in LFO's, "taking off those that are voluntary." RP 12.

The amended judgment shows the \$800 is the sum of a \$200 Clerk's Filing fee (9.94A.030 & .760, 10.01.160, 10.46.190), the \$500 victim assessment (RCW 7.68.035), and the \$100 DNA fee under RCW 43.43.7541. CP 59. "Having reviewed the file again and the presentence investigation and reminding counsel that this is not a severe sentencing, the Court is not exceeding the standard range, 102 months concurrent on all four counts will be imposed." RP 12. The court imposed 18 months of community custody. RP 13.

The next day the Defendant presented a written order denying the motion to withdraw guilty plea – for the court's signature. CP 68-69; RP 16. The prosecutor objected, noting that the Defendant's motion had not been in writing with timely notice or otherwise in procedural compliance with court rules. RP 17-18. Having been provided no opportunity to brief a response, the prosecutor made an oral record.

Before the utterance of the sentence, (1) defense counsel had fully presented both the reasons for the recommendation and that it was a joint recommendation, and (2) the prosecutor had verbalized the agreement. RP 17-19. Contrary to defense counsel's representation, the prosecutor is not required to make an agreed recommendation enthusiastically. RP 17-18 (citing *State v. Sledge*, 133 Wn.2d 828, 840, 947 P.2d 1199 (1997)).

The court then directed the State to prepare an order, marking the defense proposal as “proposed” only. RP 23. The court found a withdrawal of the plea was not necessary to correct a manifest injustice. CP 70-71.

V. ARGUMENT

A. THE COURT DID NOT ABUSE ITS DISCRETION IN DENYING THE MOTION TO WITHDRAW GUILTY PLEA.

The Defendant challenges the sentencing court’s denial of his motion to withdraw guilty plea.

A trial court’s ruling on such a motion is reviewed for abuse of discretion. *State v. Lamb*, 175 Wn.2d 121, 127, 285 P.3d 27 (2012). A trial court abuses its discretion if its decision is manifestly unreasonable or based upon untenable grounds or reasons. *Id.* A decision is based on untenable reasons if it applies the incorrect standard or the facts to not meet the correct standard. *Id.* A decision is manifestly unreasonable if it is outside the range of acceptable choices given the facts and applicable legal standard. *Id.*

A trial court shall allow the withdrawal if it is “necessary to correct a manifest injustice.” CrR 4.2(f).

The Defendant argues that there was a breach of the plea

agreement to recommend a sentence of 36 months. Brief of Appellant (BOA) at 12. However, the record shows that the State recommended a sentence of 36 months before the court uttered its sentence, and the court indicated it had that recommendation. RP 10, ll. 16-17. The court tenably rejected this claim.

The Defendant argues that the State “repeatedly” attempted to limit the court’s authority on remand in order to prevent a resentencing. BOA at 13 (citing RP 1, 1-2, 3-4, 12-13, 17). This is a mischaracterization of every citation the Defendant makes to the record.

The Court of Appeals remanded to either amend the community term or to resentence consistent with the statute in its discretion and to conduct a proper *Blazina* inquiry. CP 97-98, 102. When the case was called on the superior court docket, the prosecutor attempted to summarize the purpose of the hearing briefly.

If it please the Court, your Honor, this matter is back before the Court pursuant to an order of the Court of Appeals on remand requiring the Court *to amend* the Community Custody term to comply with RCW 9.94A.701(9) and also to conduct an individualized inquiry into Mr. Gleim’s ability to pay LFO’s.

RP 1 (emphasis added). The summarization was incomplete, but it was a quick introduction of the subject only and not a hard or final position. It is

the only instance cited in the Brief of Appellant that arguably suggests a limitation on remand.¹ Before the court could proceed on that minimal recitation, the prosecutor invited the court to address defense counsel. RP 2. Defense counsel requested a continuance and then quite explicitly represented that resentencing was ordered and misrepresented that amending was not an option.

The Court of Appeals did more than order you to resentence, as the prosecutor just did with an amendment. They ordered a new sentencing. [...] *It went beyond just amending it. They could have done that but they ordered a new sentencing ...*

RP 2 (emphasis added). The matter was continued, and when the parties returned, the prosecutor more clearly stated:

If it please the Court, your Honor, this matter is before the Court upon a remand from the Court of Appeals requiring the Court *to resentence* the Defendant *to amend* the Community Custody term and also to conduct a individualized inquiry of Mr. Gleim's present and future ability to pay his legal financial obligations.

RP 3-4 (emphasis added). There was no "distortion" of the remand order

¹ At RP 1-2, the prosecutor makes no representation, but only answer the court's direction question about the length of community custody should the court choose to amend that term only. At RP 3-4, the prosecutor correctly represents the remand order to "resentence" before providing the court two forms, one to merely amend, the other to resentence. At RP 12-13, *after* the court resented the Defendant, the prosecutor again answers the court's direct question on what term of community custody would be allowable following the term of incarceration already imposed. And at RP 17, on the day after the Defendant was resented, the prosecutor explained that, while he had been unsure if the court would choose to resentence or merely amend, the prosecutor had made a complete reiteration of the plea agreement before the utterance of the sentence.

on the prosecutor's behalf. BOA at 13. The prosecutor had prepared forms for either a resentencing or an amendment. RP 4. However, defense counsel persisted that cursory amendment was not an option.

My client, pursuant to the Court of Appeals, ***is clearly here for a resentencing***, your Honor, ***not for amending the previous judgment and sentence*** and changing the Community Custody only and in changing only the financial legal obligations.

RP 4-5. The defense plowed on for several pages as if this was a decided matter. RP 4-8. The prosecutor made no further argument on this topic. By choosing the Amended Judgment and Sentence form and not the Order Amending, the court acceded to defense counsel's position and opted for a resentencing. CP 57-67.

The Defendant takes issue with the Amended Judgment form. BOA at 14. The suggestion is that, because the court's previous decision was before it, the prosecutor was implicitly advocating no change in the sentence. This is demonstrably false. A remand explicitly required changes be made due to found error. The court amended its judgment by crossing out various previous rulings. And the judge noted that he was accepting the State's recommendation for 36 months. RP 10.

It is also clear from the record that the judge was aware that he could resentence the Defendant to any sentence at all, having just

entertained lengthy argument for an exceptional sentence downward in which the prosecutor joined before the sentence was uttered. “Having reviewed the file again and the presentence investigation and reminding counsel that this is not a severe sentencing, the Court is not exceeding the standard range.” RP 12.

The Defendant acknowledges that there is no requirement that the State’s recommendation be made enthusiastically. BOA at 14 (citing *State v. Sledge*, 133 Wn.2d 828, 840, 947 P.2d 1199 (1997); *State v. Talley*, 134 Wn.2d 176, 187, 949 P.2d 358 (1998); *State v. Coppin*, 57 Wn. App. 866, 874, 791 P.2d 228, *rev. denied*, 115 Wn.2d 1011, 797 P.2d 512 (1990)). So instead, he claims that the State failed to articulate the reasons for its recommendation. BOA at 14 (citing RCW 9.94A.431(1)).

This argument fails. RCW 9.94A.431(1) requires that the reasons be made part of the record “at the time of the defendant’s plea.” This was done. CP 14. The statute does not require that the reasons be reiterated at sentencing. However, this was also done. RP 10 (referencing plea agreement).

It should also be noted that there was some ambiguity during the proceedings. The court did not articulate that it was choosing to resentence rather than amend. It merely chose a form. The parties would

not be aware which form that was until after the judge filled it out. RP 15 (defense inquiring about unused form). And while Mr. Makus had no doubt that he was going to obtain a new sentencing and not a mere amendment of the sentence, the prosecutor's comment suggests that he was not clear on the court's decision. RP 17 ("if it is deemed that this is a completely new sentencing"). Without this clarity, the prosecutor's delay in confirming the recommendation is entirely understandable and cannot be interpreted as a change in the State's position.

The Defendant argues that the State evidenced an intent to circumvent the plea agreement and so "undercut" the terms of the agreement. BOA at 14. This is circular logic. The apparent evidence alleged is the prosecutor's failure to make an enthusiastic recommendation, which is explicitly not required by case law.

The lower court had tenable reason to find that there was no breach of the plea agreement, because the prosecutor in fact made the agreed upon recommendation with sufficient clarity prior to sentencing. The court also had tenable reason to find that, having accepted the prosecutor's recommendation, there was no manifest injustice.

As Judge Wolfram explained, the resentencing decision was his own based on the very persuasive PSI.

B. THE COURT DID NOT ABUSE ITS DISCRETION IN IMPOSING THE MANDATORY CLERK'S FILING FEE.

The Defendant challenges the imposition of a \$200 clerk filing fee.

In the earlier appeal, the Court commented in a footnote that the \$200 in "court costs" may have been the "criminal filing fee" under RCW 36.18.020(2)(h), which is mandatory, but this should be clarified. CP 102. The footnote referenced *State v. Kuster*, 175 Wn. App. 420, 422, 306 P.3d 1022 (2013). There the court imposed \$800 in LFO's consisting of a \$500 victim assessment fee, \$200 in court costs, and the \$100 DNA collection fee. *State v. Kuster*, 175 Wn. App. at 422. The *Kuster* court found that "court costs" probably intended the criminal filing fee which is mandatory under RCW 36.18.020(2)(h), but the language was vague. *State v. Kuster*, 175 Wn. App. at 425. "Given the likelihood that the \$200 imposed in costs was a mandatory fee and the ample protection for Mr. Kuster's constitutional rights that exist if and when the State takes action to collect the LFO's, we decline to consider this error further." *State v. Kuster*, 175 Wn. App. at 426.

After resentencing, the form now properly indicates not merely costs, but the "Clerk's Filing Fee." CP 59. The judge said he would be "taking off those that are voluntary fines." RP 12. The judgment

indicates that “the \$200.00 Clerk’s Filing Fee, the \$500.00 Crime Victims Compensation Act Assessment, and the \$100.00 Biological Sample fee” are mandatory costs. CP 58-59. *See also State v. Malone*, 193 Wn. App. 762, 764, 376 P.3d 443 (2016); *State v. Stoddard*, 192 Wn. App. 222, 225, 366 P.3d 474 (2016) (the mandatory financial obligations are: \$500 victim assessment fee, \$200 criminal filing fee, \$100 DNA collection fee). And the judgment reflects that only these costs were imposed.

The Defendant argues that the “clerk’s filing fee” should be interpreted as a discretionary cost for failure to reference RCW 36.18.020(2)(h). BOA at 19. The Defendant offers no authority that requires a specific statutory reference for a cost. The Defendant only cites the *Kuster* case, which offers no support for the claim. The court there passed on the issue as being unpreserved. The issue is similarly unpreserved here, and the court’s ability to pass on the issue is still good law. *State v. Blazina*, 182 Wn.2d 827, 833, 344 P.3d 680 (2015) (an appellate court may refuse to review an unpreserved claim of error such as a challenge to LFO’s).

The label “filing fee” is sufficiently clear in the judgment. The judge indicated orally that only mandatory costs would remain. The written judgment contains the standard mandatory costs. The filing fee is

one of these. Because this is a criminal case, the term “criminal filing fee” is no more specific than “clerk’s filing fee.” In fact the word “Clerk’s” adds important information. 36.18 RCW lists the fees of county offices. And RCW 36.18.020 describes the Clerk’s Fees. Therefore the title leads us directly to the applicable RCW.

The court lacks discretion to waive this cost. The abuse of discretion would have been in failing to impose what is a mandatory cost. The claim is frivolous.

C. APPELLATE COSTS SHOULD BE IMPOSED IF THE STATE PREVAILS ON APPEAL.

The Defendant asks the Court not to impose costs if the State should substantially prevail on appeal.

While the judge only imposed the mandatory costs, he still found the Defendant able to pay. CP 58.

The judge explained that he had read the PSI before imposing sentence. RP 12. The Defendant had told the PSI-writer that he was a high school graduate and a veteran with no learning disabilities or current substance abuse issues. CP 114, 117. For many years after returning to Walla Walla, he had been managing the Birchway apartments. CP 114. He also worked for Sykes Call Center for several years. CP 114. He had

been making adequate wages, but quit his job in anger. CP 114. While unemployed, his bills went to collections and he went on public assistance (food stamps). CP 114. He has been in counseling which he feels “has done wonders for him,” and he indicates he will continue with treatment. CP 117. The medication and counseling has made him much calmer and happier. CP 116-17. He anticipates upon his release he will be able to work for his brother in law who owns L&G Ranch Supply. *Id.*

His defense counsel explained that his client qualifies for total disability from the Veteran’s Administration from which he could pay \$50 a month in LFO’s. RP 9.

On appeal, the Defendant argues that he is indigent. BOA at 21. His indigency for purposes of appointment of counsel on appeal is not equivalent to the indigency discussed at *Blazina*, 189 Wn.2d at 839 (discussing GR 34 standards only). By his own admission, the Defendant has been capable of employment and an adequate income despite VA disability, and he expects to be employed upon his release. Moreover, *Blazina* does not apply to RCW 10.73.160, which is the relevant statute for appellate costs.

Even for those criminal defendants who have no future ability to pay, the Court should impose at least nominal costs, consistent with ABA

Criminal Justice Standard 21-2.3,² which states that the absence of any risk of costs is an unacceptable inducement for defendants to appeal. *ABA Standards for Criminal Justice: Prosecution and Defense Function*, 3d ed. (1993).

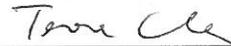
In this case, the Defendant will have the future ability to pay appellate costs. If the State substantially appeals, they should be imposed.

VI. CONCLUSION

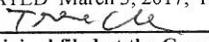
Based upon the forgoing, the State respectfully requests this Court affirm the Appellant's conviction and sentence.

DATED: March 3, 2017.

Respectfully submitted:



Teresa Chen, WSBA#31762
Deputy Prosecuting Attorney

<p>Susan Marie Gasch <gaschlaw@msn.com></p>	<p>A copy of this brief was sent via U.S. Mail or via this Court's e-service by prior agreement under GR 30(b)(4), as noted at left. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. DATED March 3, 2017, Pasco, WA  Original filed at the Court of Appeals, 500 N. Cedar Street, Spokane, WA 99201</p>
---	--

² Also available at http://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_pfunc_tocold.html

WALLA WALLA COUNTY PROSECUTOR
March 13, 2017 - 4:00 PM
Transmittal Letter

Document Uploaded: 345777-345777 BOR.pdf

Case Name: State v. Lonnie D. Gleim, Jr.

Court of Appeals Case Number: 34577-7

Party Represented: State of Washington

Is This a Personal Restraint Petition? Yes No

Trial Court County: Walla Walla - Superior Court #: 141002260

Type of Document being Filed:

- Designation of Clerk's Papers / Statement of Arrangements
- Motion for Discretionary Review
- Motion: _____
- Response/Reply to Motion: _____
- Brief
- Statement of Additional Authorities
- Affidavit of Attorney Fees
- Cost Bill / Objection to Cost Bill
- Affidavit
- Letter
- Electronic Copy of Verbatim Report of Proceedings - No. of Volumes: _____
Hearing Date(s): _____
- Personal Restraint Petition (PRP)
- Response to Personal Restraint Petition / Reply to Response to Personal Restraint Petition
- Petition for Review (PRV)
- Other: _____

Comments:

This is the scan which I believed I had sent on March 3. Sorry. It must not have gone through.

Proof of service is attached and an email service by agreement has been made to jnagle@co.walla-walla.wa.us and gaschlaw@msn.com.

Sender Name: Teresa J Chen - Email: tchen@co.franklin.wa.us