

FILED
Court of Appeals
Division III
State of Washington
2/15/2019 1:33 PM
No. 36123-3-III

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

STATE OF WASHINGTON,

Respondent,

v.

ANTHONY RENE VASQUEZ,

Appellant.

BRIEF OF RESPONDENT

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A. ASSIGNMENT OF ERROR

The trial court erred in failing to fill out the line for the actual number of months incarceration ordered on the Judgment and Sentence.

B. ISSUES RELATING TO THE ASSIGNMENT OF ERROR

1. Can the Judgment and Sentence be easily understood by the Department of Corrections?
2. Should the Appellate Court and the Prosecutor's Office spend resources on this issue?

C. STATEMENT OF THE CASE

Appellant's statement of the case is adequate for this issue.

D. ARGUMENT

The Judgment and Sentence adequately communicates the Judge's intent because it shows that Mr. Vasquez is sentenced to 660 months on count 1, with the other counts running concurrent. CP 76. While it would have been better to fill out the line for the actual number of months confined, there is no confusion in the Judgment and Sentence. The Department of Corrections has not expressed any confusion on this Judgment and Sentence.

On the other hand, it is much quicker and easier for the State to hand up an order in the Trial Court amending the Judgment and Sentence than it is to craft a well-researched and cited brief on clerical errors and

which are necessary to correct. Therefore if the Court wants this issue corrected, the State will, of course, do so.

Dated this 19th day of February 2019

GARTH DANO
Prosecuting Attorney

By: 
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CERTIFICATE OF SERVICE

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

Valerie Marushige
ddvburns@aol.com

Dated: February 15, 2019.



Kaye Burns

GRANT COUNTY PROSECUTOR'S OFFICE

February 15, 2019 - 1:33 PM

Transmittal Information

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Appellate Court Case Number: 36123-3
Appellate Court Case Title: State of Washington v. Anthony Rene Vasquez
Superior Court Case Number: 13-1-00599-1

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