

FILED
May 17, 2019
Court of Appeals
Division III
State of Washington

NO. 361861
COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON

State of Washington,
Respondent,

v.

Nathan D. Deyarmin
Appellant

RESPONDENT'S BRIEF

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COURT OF APPEALS OF THE STATE OF
WASHINGTON - DIVISION III

THE STATE OF WASHINGTON,

Respondent,

v.

NATHAN D. DEYARMIN,

Appellant.

Court of Appeals No: 36186-1-III

STIPULATION FOR REVERSAL AND REMAND

1. IDENTITY OF MOVING PARTY

State of Washington, Respondent, asks for the relief designated in part 2.

2. STATEMENT OF RELIEF SOUGHT

Reversal of the Trial Court's Order Revoking the Special Sexual Offender Sentencing Alternative (SSOSA), and Remand to the Trial Court for a new hearing on the State's Motion to Show Cause.

3. FACTS RELEVANT TO MOTION

The State filed a Motion to Show Cause and sought to revoke the SSOSA granted to the Appellant at the trial Court level. The bases of the State's motion were allegations that the Appellant had violated the conditions of the Judgment and Sentence by committing additional crimes and failing to maintain employment.

Prior to the hearing on the State's motion, there were a number of discussions between the Appellant's appointed counsel and the Prosecutor. These discussions were not made a part of the record.

At the hearing on the motion the parties focused their arguments on the remedy which should be applied, and acted from the position that the actual violation was not contested. The Appellant did not, on the record, admit to the violations, nor did the State present evidence to prove the violation.

Following the hearing the Court found that the Appellant had violated the conditions of his SSOSA and revoked the alternative sentence.

The Appellant appealed and correctly asserted that the record did not support the finding that he had violated the conditions.

Conceding that the Appellant is correct, the State stipulates to the reversal of the Trial Court's Order and asks that the matter be remanded to the trial Court for a hearing on the Show Cause motion.

4. GROUND FOR RELIEF AND ARGUMENT

Due process and the ends of justice would be served by granting the requested reversal and remand based upon the facts presented above.

Dated this 17th day of May 2019.



BENJAMIN C. NICHOLS, WSBA#23006
Attorney for Respondent

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THE STATE OF WASHINGTON,

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v.

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DECLARATION OF SERVICE

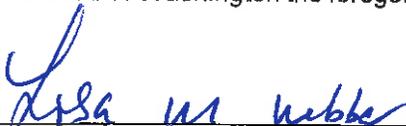
DECLARATION

On May 17, 2019 I electronically mailed, through the portal, a copy of the STIPULATION FOR REVERSAL AND REMAND in this matter to:

KEVIN A. MARCH
Sloanej@nwattorney.net

I declare under penalty of perjury under the laws of the State of Washington the foregoing statement is true and correct.

Signed at Asotin, Washington on May 17, 2019.



LISA M. WEBBER
Office Manager

DECLARATION
OF SERVICE

Benjamin C. Nichols, Prosecuting Attorney
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ASOTIN COUNTY PROSECUTOR'S OFFICE

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Transmittal Information

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Appellate Court Case Title: State of Washington v. Nathan D. Deyarmin
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The following documents have been uploaded:

- 361861_Other_Plus_20190517135509D3140841_0367.pdf
This File Contains:
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Other - Stipulation for Reversal and Remand
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- MarchK@nwattorney.net
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