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Court of Appeals  
Division III  
State of Washington  
12/3/2019 4:44 PM

No. 36771-1-III

THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION THREE

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STATE OF WASHINGTON,

Respondent,

v.

TANDY LUNA,

Appellant.

---

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

---

BRIEF OF APPELLANT

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A. INTRODUCTION

When Tandy Luna received an offer to plead guilty to reduced charges, she struggled with whether to accept the offer and sought time to confer with her lawyer. The prosecution insisted the offer would expire soon. Before the deadline expired, Ms. Luna tried to contact her lawyer and tell him she decided to accept the offer. But her lawyer would not accept her calls. She reached out to another lawyer she knew but could not convey this information to the prosecution before the offer expired. Defense counsel failed to meaningfully assist Ms. Luna with a time-sensitive plea offer, which constitutes ineffective assistance of counsel.

Additionally, the court refused to consider a drug sentencing alternative (DOSA) because it claimed Ms. Luna had not “suggested” she had a drug problem. Yet the court had presided over hearings where Ms. Luna’s efforts to get inpatient treatment for drug addiction were discussed and served as a reason to delay the case. The court improperly refused to consider Ms. Luna’s eligibility for a DOSA for reasons contrary to the record and a new sentencing hearing should be ordered.

## B. ASSIGNMENTS OF ERROR

1. Ms. Luna was denied her right to effective assistance of counsel during a critical stage of proceedings as guaranteed by the Sixth Amendment and article I, section 22.

2. The court erroneously refused to consider a request for a DOSA for untenable reasons, requiring a new sentencing hearing.

3. The court incorrectly ordered Ms. Luna to pay interest for her nonrestitution legal financial obligations contrary to the controlling statute.

## C. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. The right to effective assistance of counsel guarantees an accused person an attorney who will, at a minimum, timely convey and meaningfully discuss plea offers. Here, defense counsel talked to Ms. Luna about a plea offer but cut off the conversation without completing the discussion and left Ms. Luna without the ability to tell the prosecution she wanted to accept the offer before it expired. Does counsel's failure to competently advise Ms. Luna about a guilty plea offer that she

wanted to accept deprive Ms. Luna of effective assistance of counsel?

2. When an individual asks the sentencing court to impose a DOSA, the court must give due consideration to the request and may not deny the DOSA based on a misunderstanding of the facts or by failing to consider the mandatory statutory criteria. Ms. Luna was statutorily eligible for a DOSA but the court refused to consider one because it claimed she had not previously suggested she had a drug problem. When the record shows the court had been presented with information that Ms. Luna had a drug addiction, did the court deny Ms. Luna a DOSA on an impermissible basis?

3. Did the court improperly impose interest on legal financial obligations despite the prohibition on interest by the recent amendments to the statutory scheme governing LFOs?

D. STATEMENT OF THE CASE.

In 2016, Tandy Luna was accused of presenting fraudulent receipts for her son's daycare and cashing checks intended for the daycare provider. CP 1. She was charged with four counts of forgery and identity theft. CP 12-16.

After these charges were filed, Ms. Luna struggled with a host of personal problems. Her children were in a dependency proceeding and she was fighting to regain custody. 1RP 198, 200.<sup>1</sup> Her mother was very ill and she feared her mother would pass away while she was serving a sentence. 1RP 197. She faced other charges from an unrelated case. 1RP 8; 2RP 17.

In 2017, the prosecution agreed Ms. Luna may “have a drug problem.” 2RP 4. Ms. Luna received permission from Judge Hotchkiss to delay her case while she entered inpatient treatment at the Isabella House. 2RP 4-7. The court held periodic hearings to assess her treatment status. 2RP 12, 14. It warned her that she needed to confirm her treatment with the court. 2RP 6. After a few months, Ms. Luna left the treatment program, hoping to return to the program with her children, but she was not able to do so. 2RP 17.

On March 27, 2019, the court held a hearing where Ms. Luna appeared by video, presumably because she was in the

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<sup>1</sup> The verbatim report of proceedings from trial, sentencing, and most pre-trial proceedings are contained in a single, consecutively paginated volume referred to as “1RP.”

jail's custody. 1RP 11; Supp. CP \_, sub. no. 109 (clerk's minutes). Ms. Luna asked the court for one week to confer with her lawyer about the plea, but the judge refused and stated his intent to start the trial the next day. 1RP 11-12.

The prosecutor agreed to hold the offer open, but told Ms. Luna the offer would be withdrawn later in the day, when she would have to tell a witness travelling from Oregon whether she would need to come to Douglas County. 1RP 11.

Ms. Luna spoke with her trial attorney over the phone after the court session ended. CP 91. During this conversation, defense counsel hung up on Ms. Luna and would not talk to her any further. *Id.* Ms. Luna decided she wanted to accept the plea offer but she could not reach her attorney over the phone. CP - 91-92. She asked others to contact him for her but the plea offer expired before she could accept it. *Id.*

Ms. Luna sent a letter to the court, explaining her efforts to reach her lawyer and her desire to enter the plea. CP 91-92.

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Additional hearings are in a separate consecutively paginated volume, referred to as "2RP." These additional hearings occurred on July 17, 2017; July 31, 2017; August 23, 2017; and October 2, 2017.

But the offer was not re-extended and the trial proceeded as scheduled.

Ms. Luna was convicted of the charged offenses. 1RP 194.

At sentencing, Ms. Luna told the judge she had been trying to change her life, was upset about her mother's pending death, and was "really scared." 1RP 198. She asked the court for a DOSA sentence, but the court refused. 1RP 202. The judge said no, because Ms. Luna had never suggested to him that she had a drug problem. *Id.*

Ms. Luna was sentenced to 45 months in prison, which was near the low end of the standard range. 1RP 196, 202.

E. ARGUMENT.

**1. Ms. Luna received ineffective assistance when her attorney let a plea bargain lapse without conveying Ms. Luna's desire to accept it.**

*a. Plea bargaining is a critical stage of proceedings for which the meaningful assistance of counsel is essential.*

The right to effective assistance of counsel includes the right to an attorney who provides competent representation in plea bargaining. *State v. Estes*, 188 Wn.2d 450, 460, 463, 395 P.3d 1045 (2017); *Lafler v. Cooper*, 566 U.S. 156, 168, 132 S. Ct.

1376, 182 L. Ed. 2d 398 (2012); *see also Missouri v. Frye*, 566 U.S. 134, 132 S. Ct. 1399, 182 L. Ed. 2d 379 (2012); *Padilla v. Kentucky*, 559 U.S. 356, 373, 130 S. Ct. 1473, 176 L. Ed. 2d 284 (2010) (“the negotiation of a plea bargain is a critical phase of litigation for purposes of the Sixth Amendment right to effective assistance of counsel.”); U.S. Const. amend. VI; Const. art. I, § 22.

Effective assistance includes “assisting the defendant in making an informed decision as to whether to plead guilty or to proceed to trial.” *State v. A.N.J.*, 168 Wn.2d 91, 111, 225 P.3d 956 (2010). To render constitutionally competent legal representation, defense counsel must communicate plea offers, discuss tentative plea negotiations, and explain the strengths and weaknesses of the case so the accused person can make an informed decision on whether to plead guilty. *State v. James*, 48 Wn. App. 353, 362, 739 P.2d 1161 (1987). It is the accused person, not the attorney, who has the right to decide whether to accept the prosecution’s proposal. *Id.* at 363.

Plea bargains are “central to the administration of the criminal justice system.” *Frye*, 566 U.S. at 143. Due to the

importance of negotiating a plea bargain and entering into a beneficial deal, the plea process is a “critical point for a defendant” in almost all cases. *Id.* at 144.

In *Frye*, the Supreme Court ruled that the importance of plea bargaining in a criminal case places a constitutional duty on defense counsel to communicate plea offers to the accused person. *Id.* at 145. This communication must occur in a way that allows the defendant to meaningfully consider it. *Id.* In particular, it must occur in a timely manner when the offer has a fixed expiration time. *Id.*

A person charged with a crime is denied effective assistance of counsel if “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Strickland v. Washington*, 466 U.S. 668, 688, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)). In the context of a plea, the necessary showing of prejudice to establish ineffective assistance requires simply that there is a reasonable probability “the outcome of the plea process would have been different” had counsel acted competently. *Lafler*, 566 U.S. at 163; *Frye*, 566 U.S. at 147.

b. *Ms. Luna wanted to accept the plea offer but her attorney did not communicate with her during the critical window of time for her to convey her acceptance.*

The prosecution made a time-sensitive plea offer to Ms. Luna. At an early morning hearing the day before trial was set to start, the court held a hearing at which Ms. Luna appeared by video. Supp. CP \_\_, sub. no. 109; 1RP 11-12. The court asked Ms. Luna whether she wanted to enter a guilty plea based on the prosecution's offer. 1RP 11. But Ms. Luna said she needed more time to talk to her lawyer about the offer and asked for a one week continuance. *Id.*

The court refused to delay the trial. 1RP 12. The prosecution informed Ms. Luna the offer would remain open only until the time that she needed to tell a witness from Oregon whether she needed to drive to Douglas County for the trial. 1RP 11. It was 8:39 a.m. when this court hearing ended. 1RP 12.

This plea offer triggered defense counsel's obligation to meaningfully convey its details and discuss it with Ms. Luna. *James*, 48 Wn. App. at 362; *Frye*, 566 U.S. at 1433-45. Because it was Ms. Luna's decision whether to accept the proposal, she

was entitled to the meaningful assistance of counsel when making this decision. *James*, 48 Wn. App. at 363.

Ms. Luna was held in jail and her access to her lawyer was over the telephone. CP 91. In a phone conversation, defense counsel told Ms. Luna she had until noon to decide whether to accept the plea. *Id.*

But when Ms. Luna tried to tell her lawyer she would accept the plea, she could not reach him. CP 91-92. Her attorney would not take her calls. *Id.* He hung up on her during their earlier conversation and appeared no longer willing to talk to her. CP 91. She called another defense attorney she knew, Smitty Hagopian, and asked him to relay her message. *Id.* Ms. Luna thought her attorney received Mr. Hagopian's message. *Id.* For reasons not explained in the record, her lawyer either did not receive or did not convey to the prosecutor Ms. Luna's message that she wished to agree to the guilty plea and the offer expired. CP 92.

The next day, Ms. Luna gave the judge a letter explaining in detail this "huge misunderstanding." CP 91. She said, "I tried my hardest to get in touch with my lawyer" before the plea

agreement expired. CP 92. The judge accepted the letter for filing as a means of preserving the issue for appeal but made no other inquiry. 1RP 75-76.

Consequently, Ms. Luna's trial commenced without the prosecution offering Ms. Luna the plea bargain. Ms. Luna was convicted of all charges and received a standard range sentence of 45 months in prison, far higher than the exceptional sentence below the standard range she was offered in her guilty plea. 2RP 194, 199, 202. At sentencing, she apologized to the court for taking its time and said she had tried to explain "that I didn't want to do a trial" and she had "tried to call and take the deal." 1RP 199.

Counsel was deficient in allowing this plea to lapse without effectively communicating with Ms. Luna. *Frye*, 566 U.S. at 145. Because Ms. Luna was confined in jail, she could not reach the prosecutor herself and could only use the phone to contact people. She tried all available measures to trigger her lawyer's assistance, but he would not take her calls and did not speak to her in time for Ms. Luna to accept this plea offer.

At sentencing, the court called the lapsed plea offer a “sweetheart deal,” where Ms. Luna would have pled guilty to one count of forgery and get a sentence of 14 to 18 months, below the standard range. 1RP 200-01.

Simply communicating a plea offer does not satisfy an attorney’s obligation to a client in a criminal case. *A.N.J.*, 168 Wn.2d at 111. The attorney must actively aid the client in making the decision, which includes the basic obligation to act within the time limit set for the plea bargain. *Id.*; see *Frye*, 566 U.S. at 145. Defense counsel’s failure to meaningfully confer with Ms. Luna in a timely fashion and to allow the plea to expire even though Ms. Luna wanted to accept it is not the product of reasonable strategy and constitutes deficient performance.

*c. Ms. Luna was prejudiced by her attorney’s failure to provide critical aid during the time sensitive plea negotiations.*

A person is prejudiced by her attorney’s deficient performance if there is a reasonable probability of a different outcome. *Lafler*, 566 U.S. at 163. “[A] ‘reasonable probability’ is lower than a preponderance standard,” and reflects a probability

sufficient to undermine confidence in the outcome. *State v. Lopez*, 190 Wn.2d 104, 116, 410 P.3d 1117 (2018) (internal citations omitted).

In the context of a plea that unnecessarily lapsed, the court examines whether there is a reasonable probability that the plea would have been offered and accepted. *Lafler*, 566 U.S. at 163.

It is reasonably probable Ms. Luna would have accepted the offer that the prosecution extended, which the court called a “sweetheart deal.” 1RP 11, 201. Ms. Luna told the court she tried to call her lawyer and take the plea. 1RP 199. She had simply asked for some additional time to talk to her lawyer about the offer and had received a few hours to do so. 1RP 11.

Having been warned that she had until noon to make up her mind, Ms. Luna frantically tried to contact her lawyer and explain her agreement to the plea offer. CP 91-92. Because she was in jail, her means of communication were limited. Her lawyer had hung up on her and then refused to communicate further. *Id.*

As soon as Ms. Luna next appeared in court, she immediately made a record of this “huge misunderstanding” and begged to be allowed to accept the offer. *Id.*; 1RP 76, 199.

This record shows a reasonable probability that Ms. Luna would have entered the plea bargain if her attorney had communicated with her before the offer expired. Ms. Luna was prejudiced by her attorney’s deficient performance.

The remedy for violating an accused person’s right to effective assistance of counsel during plea negotiation is to put the defendant back in the position she was in when the plea bargain was offered. *State v. Maynard*, 183 Wn.2d 253, 262, 351 P.3d 159 (2015). When simple re-sentencing cannot put the defendant back in the same position as when the plea bargain was offered, “the correct remedy in these circumstances is to order the State to reoffer the plea agreement.” *Lafler*, 566 U.S. at 174. Ms. Luna is entitled to have the plea reoffered. *Id.*

**2. The court improperly refused to consider Ms. Luna's request for a DOSA.**

*a. The court must meaningfully consider a request for a DOSA when a defendant is eligible.*

The DOSA program is intended to help offenders who will likely benefit from treatment. *State v. Grayson*, 154 Wn.2d 333, 337, 111 P.3d 1183 (2005). The DOSA program authorizes trial judges to give eligible nonviolent drug offenders a reduced prison term along with increased supervision, and treatment for their addictions. *Id.*; RCW 9.94A.660.

Although not every defendant is entitled to a sentence outside the standard range, every defendant is entitled to have the court “actually” consider such a sentence. *Grayson*, 154 Wn.2d at 342.

The judge has discretion whether or not to grant a DOSA. RCW 9.94A.660(3). Generally, a judge's decision whether or not to grant a DOSA is not reviewable, but “appellate review is still available for the correction of legal errors or abuses of discretion in the determination of what sentence applies.” *State v. Williams*, 149 Wn.2d 143, 147, 65 P.3d 1214 (2003). A trial court abuses its discretion when its decision is “manifestly

unreasonable, or exercised on untenable grounds, or for untenable reasons.” *State v. McCormick*, 166 Wn.2d 689, 706, 213 P.3d 32 (2009).

A court’s sentencing authority stems from statute. *In re the Pers. Restraint of Carle*, 93 Wn.2d 31, 604 P.2d 1293 (1980). When asked to consider imposing a DOSA, the sentencing statutes structure a court’s authority. *Grayson*, 154 Wn.2d at 337-38. A court may never categorically refuse to consider a DOSA sentence for an eligible individual and may not deny this sentence for impermissible reasons. *Id.*

In *Grayson*, an eligible defendant asked the court to impose a DOSA sentence. *Id.* The prosecutor opposed the DOSA based on the defendant’s long history of drug selling and other pending charges. *Id.* The “main reason” the court gave for denying the DOSA was that the State does not have the money to treat people in the DOSA system, which would result in the defendant being released without adequate treatment. *Id.* at 337.

The Supreme Court noted that the judge was relying on his understanding the DOSA system’s funding, even though that

information was not part of the record presented at sentencing. *Id.* at 340. But because the defendant had not objected, it considered any potential objection waived. *Id.* at 340-42.

Instead, the Supreme Court examined whether the court's refusal to impose a DOSA complied with its obligations under the sentencing statutes and principles of due process of law. *Id.* at 342. The refusal to consider a DOSA for anyone, or for a class of offenders, "is effectively a failure to exercise discretion and is subject to reversal." *Id.*

Under the DOSA program, the court imposes a prison sentence of one-half the midpoint of the standard range sentence. RCW 9.94A.660. While in prison, the individual receives chemical dependency treatment. RCW 9.94A.660(5)(a). Once the person completes the total confinement part of the sentence, he serves the rest of the sentence in closely monitored community supervision and treatment. RCW 9.94A.660(2). If a person fails to comply with the conditions of a DOSA, even while in prison, DOC may administratively revoke the drug-treatment program and require the person to serve the remainder of the

sentence in prison. RCW 9.94A.660(8)(c); *Grayson*, 154 Wn.2d at 338.

The statute provides the court with mandatory criteria to evaluate in determining eligibility. RCW 9.94A.660.

An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(d) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(e) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(f) The end of the standard sentence range for the current offense is greater than one year; and

(g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense

*b. The court denied Ms. Luna's DOSA request on untenable grounds, without validly exercising its discretion.*

In response to Ms. Luna's request that the court consider imposing a DOSA, the judge summarily stated Ms. Luna had "never suggested" before to the court that she "had a drug problem." 1RP 202. The court said, "no" without any inquiry into her need for treatment. *Id.*

However, the same judge presided over hearings in this case about Ms. Luna's efforts to obtain and succeed in drug treatment. 2RP 4-17. Ms. Luna's case was continued for several many months while she received in-patient treatment at Isabella House, an addiction treatment facility in Spokane. According to its website, its services are "tailored toward female patients with substance abuse problems."

<https://addictionresource.com/listings/isabella-house-long-term-recovery-centers-spokane-wa/>. The same judge had monitored

her treatment progress and permitted her to delay her trial so long as she was receiving treatment. 2RP 4-7, 14, 17.

When Ms. Luna initially asked for permission to enter treatment and delay her trial, the prosecutor said, “I don’t disagree that she has a – may have a drug problem.” 2RP 4. Judge Hotchkiss, who later claimed no one had ever “suggested” Ms. Luna had a drug problem, agreed to let Ms. Luna enter this “rehab” program. 2RP 6-7; RP 202.

Ms. Luna remained in this inpatient facility receiving addiction treatment for several months, and the court received updates of her treatment efforts. 2RP 6-7, 12, 14. However, she left without successfully completing the program when she wanted to bring her children to stay with her but then decided not to return. 2RP 17. She was “trying to get back into treatment” afterward but was not able to do so. *Id.*

The record shows the court had information suggesting Ms. Luna had a drug addiction that required treatment, contrary to the court’s stated reason for summarily denying the DOSA. The court refused to consider Ms. Luna’s DOSA eligibility for reasons that are contrary to the record, showing its

decision rested on untenable reasons. *McCormick*, 166 Wn.2d at 706.

Ms. Luna met the statutory criteria for eligibility. She was being sentenced for non-violent felonies that are eligible offenses for a DOSA. RCW 9.94A.660(a), (b) (d). She did not have prior, disqualifying convictions. RCW 9.94A.660(c). She was not subject to a deportation order. RCW 9.94A.660(e). She faced a standard range longer than one year. RCW 9.94A.660(f). No one claimed she had received a DOSA in the past that rendered her ineligible. RCW 9.94A.660(g).

The only reason the court gave for refusing to consider a DOSA was its perception that Ms. Luna had not previously “suggested” she had a drug problem. Yet the record shows this same judge presided over hearings where Ms. Luna sought and received inpatient treatment for addiction. Ms. Luna met the eligibility criteria for a DOSA and the court abused its discretion by refusing to consider it.

*c. Because the trial court abused its discretion this Court should reverse Ms. Luna's sentence.*

A court abuses its discretion by using the wrong legal standard or by resting its decision upon facts unsupported by the record. *State v. Quismundo*, 164 Wn.2d 499, 504, 192 P.3d 342 (2008) (quoting *Wash. State Physicians Ins. Exch. & Ass'n v. Fisons Corp.*, 122 Wn.2d 299, 339, 858 P.2d 1054 (1993)); see also *State v. Mail*, 121 Wn.2d 707, 712, 854 P.2d 1042 (1993) (failure to follow statutory procedure is legal error reviewable on appeal). “[T]rial judges have considerable discretion under the SRA, [but] they are still required to act within its strictures and principles of due process of law.” *Grayson*, 154 Wn.2d at 338.

Ms. Luna satisfied the DOSA statutory criteria but the court imposed a sentence without properly considering these criteria and their application. The court's failure to apply statutory criteria for DOSA requires reversal of Ms. Luna's sentence. She is entitled to a resentencing hearing at which the court fairly considers the appropriate sentence to impose, based on an accurate understanding of Ms. Luna's present circumstances. Resentencing should be ordered.

**3. The court improperly ordered interest imposed on mandatory LFOs contrary to the statutory scheme.**

The court ordered interest accrue on all LFOs imposed “from the date of the judgment until payment in full, at the rate applicable to civil judgments.” CP 63. However, RCW 10.82.090(1) was modified in 2018, before Ms. Luna’s sentencing, and now prohibits the accrual of interest on nonrestitution LFOs. Laws of 2018, ch. 269, §§ 1-2. The court imposed a mandatory \$500 victim penalty assessment as well as restitution. CP 62-63. Interest is prohibited for a nonrestitution LFO. RCW 10.82.090(1).

This Court should remand the case with a directive that the interest accrual be stricken from Mr. Luna’ judgment and sentence for any LFO other than restitution. *State v. Catling*, 193 Wn.2d 252, 259 n.5 438 P.3d 1174 (2019) (remanding and directing court to revise judgment and sentence to eliminate nonrestitution interest on LFOs); *State v. Ramirez*, 191 Wn.2d 732, 747-50, 426 P.3d 714 (2018) (recognizing House Bill 1783 eliminated interest accrual on nonrestitution portions of LFOs

and remanding for court to amend judgment and sentence to strike discretionary LFOs and interest).

F. CONCLUSION.

Ms. Luna's conviction should be reversed due to ineffective assistance of counsel during plea negotiations. Alternatively, a new sentencing hearing should be ordered.

DATED this 3<sup>rd</sup> day of December 2019.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nancy P. Collins". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

---

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

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STATE OF WASHINGTON,	)	
	)	
RESPONDENT,	)	
	)	
v.	)	NO. 36771-1-III
	)	
TANDY LUNA,	)	
	)	
APPELLANT.	)	

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**DECLARATION OF DOCUMENT FILING AND SERVICE**

I, MARIA ARRANZA RILEY, STATE THAT ON THE 3<sup>RD</sup> DAY OF DECEMBER, 2019, I CAUSED THE ORIGINAL **OPENING BRIEF OF APPELLANT** TO BE FILED IN THE COURT OF APPEALS - DIVISION THREE AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

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| <input checked="" type="checkbox"/> TANDY LUNA<br>(ADDRESS OF RECORD)<br>ON FILE WITH OUR OFFICE)   | (X)<br>( )<br>( ) | U.S. MAIL<br>HAND DELIVERY<br>_____                |

SIGNED IN SEATTLE, WASHINGTON THIS 3<sup>RD</sup> DAY OF DECEMBER, 2019.

X \_\_\_\_\_  


# WASHINGTON APPELLATE PROJECT

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## Transmittal Information

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**Appellate Court Case Number:** 36771-1  
**Appellate Court Case Title:** State of Washington v. Tandy Shiree Luna  
**Superior Court Case Number:** 17-1-00014-4

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