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COURT OF APPEALS
DIVISION III
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, RESPONDENT

v.

PETR SICHKAR, APPELLANT

APPEAL FROM THE SUPERIOR COURT
OF SPOKANE COUNTY

BRIEF OF RESPONDENT

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I. APPELLANT'S ASSIGNMENT OF ERROR

Mr. Sichkar assigns error to the trial court's sentencing decision.

II. ISSUES PRESENTED

1. Did the trial court properly consider Mr. Sichkar's *Alford* plea and failure to accept responsibility as factors in assessing a just sentence?
2. Where the Sentencing Reform Act (SRA) does not apply, did the trial court properly consider the factual basis for the plea in its sentencing decision?
3. Where the SRA does not apply, did the trial court properly consider the victim's opinion during sentencing?
4. Did the trial court exercise appropriate discretion where it accepted Mr. Sichkar's plea and considered facts, rather than feelings, in deciding the sentence?

III. STATEMENT OF THE CASE

The State's original information charged Petr Sichkar with thirteen felonies: five counts of first degree child molestation, four counts of second

degree child molestation, and four counts of third degree child molestation for acts involving two of his daughters, E.S. and T.B.¹ RP 4-5; CP 14-16.²

After a 2018 jury trial resulted in a hung jury, the State moved to amend the information to two gross misdemeanors: twin charges of fourth degree assault with sexual motivation, each alleging a different victim. RP 3.

Mr. Sichkar pleaded guilty on both counts via an *Alford*³ plea. RP 17. In his statement on plea of guilty, Mr. Sichkar agreed that in lieu of making a statement, the court could “review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.” CP 7. At sentencing, the court orally confirmed that agreement, with express consent from the prosecutor and no objection from the defendant. RP 18-19.

At the plea and sentencing hearing, the State—noting the evidentiary issues at trial and the well-being of the victims—did not ask for

¹ T.B.’s initials have changed since the original information was filed; formerly they were T.S. CP 12. To avoid confusion, we use the initials T.B., which are consistent with the name used by the individual during the proceedings.

² A supplemental designation of clerk’s papers is being filed simultaneously herewith. It is expected that the information will be designated as CP 14-16, and the statement of facts will be CP 17-19.

³ *North Carolina v. Alford*, 400 U.S. 25, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970).

jail time but recommended 364 days suspended jail time on each count, 24 months of unsupervised probation, and two-year no contact orders for both the victims. RP 15; CP 2. The State affirmed the victims agreed with the recommendation. RP 22.

T.B. was present at sentencing and made a brief statement about the profound effect her father's actions had on her, including thoughts of ending her life. RP 22.

Following argument by both parties, the court spoke with T.B.:

THE COURT: The Court is well aware of the State's offer. On the Court's own initiative, I do want to ask the victim: [T.B.], do you feel comfortable with the sentencing recommendation where he would serve no time or is it your desire that he serve time for this?

[T.B.]: It's my desire for him to serve time.

THE COURT: All right. Do you think it would be appropriate for the Court to send him to jail for two years or less?

[T.B.]: Two years.

RP 25.

The court then declined to follow the State's recommendation and sentenced Mr. Sichkar to 364 days on each count to be served consecutively:

THE COURT: All right. I'm not inclined to follow the recommendation in this case. I'm disturbed by the fact that Mr. Sichkar has not accepted any responsibility for his actions.

I rarely, if ever, decline to follow recommendations but the severity of this case is disturbing, and that's compounded by the fact Mr. Sichkar has not accepted responsibility for these offenses.

... These are serious crimes; these affect people's lives; it affects your daughters' lives and has permanent harm.

Again, I understand the recommendation, but I don't believe that community standards or justice is served by following the recommendation. So I am going to impose a maximum sentence on this case.

RP 25-26.

Defense counsel stated he would be moving for reconsideration and reiterated the State had represented the victims agreed with the recommendation. RP 26. In response, the court stated it believed the State stood by its recommendation and indicated the victims were in support, but that the court had asked one of the victims additional questions out of a desire for justice. RP 27. The court further explained its reasoning:

One compelling issue for this Court is the fact that you did not accept responsibility and you entered an *Alford* plea, and the Court did take your lack of self-accountability under consideration in not following the recommendation, but not only that, just the severity and long-term pattern of the circumstances and the impact that it had on your daughters calls for incarceration to restore a sense of justice.

RP 27.

Defense counsel asked whether the court was taking the fact Mr. Sichkar entered an *Alford* plea as an aggravating factor, to which the court responded:

I'm taking note of the fact he has not accepted responsibility, has not made an apology and could have done so; that is part of the Court's consideration in imposing the sentence. My sentence has nothing to do with him exercising a legal right. I'm not saying that as being the deciding factor; I'm weighing all the factors in totality that were before the Court in sentencing on balance, and I find that justice is best served by a maximum sentence.

RP 28. Defense counsel then asked whether the court believed an *Alford* plea was to be punished more severely than a straight guilty plea, and the court replied:

No. No, Counsel. Each sentencing is determined on a case-by-case basis looking at the total factors that are before the Court. The Court has no such policy with respect to or requests for *Alford* pleas. A defendant's acceptance of responsibility is viewed as a mitigating factor which was not present here.

The Court in this particular case on the individualized facts having reviewed the probable cause statement and considered the statements of the victim and the severity of the circumstances finds justice is served by the Court's sentence, that's really what guided the Court's decision.

The Court conducted an individualized inquiry into the circumstances underlying this case and the evidence that was brought forward and comments that were brought forward at sentencing.

RP 28-29.

The State then asked the court to clarify whether it was holding Mr. Sichkar's silence against him. RP 30. The court confirmed it was not:

That's correct. It wasn't the fact that he declined to make a statement or allocute but the Court nevertheless does take into account that he entered an *Alford* plea which ends the presumption of innocence and the Court considers the lack of mitigating factors among others, so those were factors and the mere fact -- not that it was a technical call, but the mere fact he is not accepting any responsibility for his actions was a consideration in the Court imposing sentence. There are no mitigating factors on this case which would justify a zero jail sentence and two years is appropriate.

Having said that, I'm not indicating the defendant's lack of accepting responsibility was the dispositive factor. The Court looked at all factors before it, and I think frankly had he accepted responsibility for this I still would have given him a jail sentence. I think for the severity of the crimes, the long time span over which they occurred which have been pled, and the effects on the victims, having no jail time is insufficient to bring justice under the facts before the Court.

RP 30-31.

This appeal followed.

IV. ARGUMENT

Mr. Sichkar argues the trial court erred when it: (1) considered failure to accept responsibility—as demonstrated by entry of an *Alford* plea—as the main factor in sentencing; (2) relied on the original felony charges and the factual allegations supporting them in imposing a maximum sentence; (3) considered T.B.'s statements without allowing an evidentiary hearing; and (4) usurped executive functions by imposing a maximum

sentence based on personal feelings that the charges brought by the prosecutor were too lenient.

Underlying the first three arguments is the incorrect assumption that the Sentencing Reform Act of 1981 (SRA), chapter 9.94A RCW, applies to misdemeanor sentencing. It does not; it applies to felony sentencing only. *State v. Deskins*, 180 Wn.2d 68, 78, 322 P.3d 780 (2014), *as amended* (June 5, 2014); *State v. Langford*, 67 Wn. App. 572, 587, 837 P.2d 1037 (1992); RCW 9.94A.010. Trial courts retain broad discretion in sentencing simple and gross misdemeanors:

Our trial courts have great discretion in imposing sentences within the statutory limits for misdemeanors and gross misdemeanors. This broad discretion is consistent with the tradition in American criminal jurisprudence affording wide latitude to sentencing judges on grounds that the punishment should fit the offender and not merely the crime. While the Sentencing Reform Act of 1981 (SRA) places substantial constraints on this historical discretion in felony sentencing, no similar legislation restricts the trial court's discretion in sentencing for misdemeanors or gross misdemeanors. For gross misdemeanors, courts may impose any sentence up to one year in jail.

State v. Anderson, 151 Wn. App. 396, 402, 212 P.3d 591 (2009) (internal quotations omitted) (quoting *State v. Herzog*, 112 Wn.2d 419, 423-24, 771 P.2d 739 (1989) (quoting *Williams v. New York*, 337 U.S. 241, 247, 69 S.Ct. 1079, 93 L.Ed. 1337 (1949))); RCW 9.92.020-.030. "No guidelines limit the court's discretion in selecting a [misdemeanor] sentence."

13B Seth A. Fine, WASH. PRAC.: CRIMINAL LAW & SENTENCING § 50:1 (3d ed. 2019).

Where a court has broad discretion to impose a sentence, appellate review is for abuse of that discretion. *See State v. Brown*, 17 Wn. App. 587, 595, 564 P.2d 342 (1977). A trial court abuses its discretion where its decision is “manifestly unreasonable or based upon untenable grounds or reasons.” *State v. Powell*, 126 Wn.2d 244, 258, 893 P.2d 615 (1995). “A court’s decision is manifestly unreasonable if it is outside the range of acceptable choices, given the facts and the applicable legal standard.” *In re Marriage of Littlefield*, 133 Wn.2d 39, 47, 940 P.2d 1362 (1997). Its decision “is based on untenable grounds if the factual findings are unsupported by the record; it is based on untenable reasons if it is based on an incorrect standard or the facts do not meet the requirements of the correct standard.” *Id.*

A. THE COURT DID NOT ABUSE ITS DISCRETION WHEN IT CONSIDERED MR. SICHKAR’S FAILURE TO ACCEPT RESPONSIBILITY IN SENTENCING.

The court was entitled to consider the nature of Mr. Sichkar’s plea and his failure to accept responsibility in determining the appropriate sentence.

Though an *Alford* plea is often assumed particularly advantageous to defendants, its origin belies that assumption. Prior to *Alford*, acceptance

of a guilty plea was usually “justified by the defendant’s admission that he committed the crime charged against him and his consent that judgment be entered without a trial of any kind.” 400 U.S. at 32. In *Alford*, however, the court acknowledged that an express admission of guilt was not a constitutional requirement for a valid plea, noting the implications of the court’s holding in *Hudson v. United States*, 272 U.S. 451, 47 S.Ct. 127, 71 L.Ed. 347 (1926), which allowed courts to accept pleas that contain a waiver of trial but no express admission of guilt (*nolo contendere* pleas). *Alford*, 400 U.S. at 35-36. Finding no meaningful distinction between a defendant’s refusal to admit guilt, as in a *nolo contendere* plea, and Mr. Alford’s protestations of innocence, the court denied Mr. Alford relief and upheld the plea and sentence. *Id.* at 37.

Importantly, Mr. Alford—not the State—appealed the sentence, arguing that his plea was invalid because it was induced by fear of the death penalty. *Id.* at 29-30. In rejecting Mr. Alford’s arguments, the court held that a guilty plea is valid despite a defendant’s insistence on his own innocence where the defendant voluntarily, knowingly, and understandingly consents to entry of judgment without a trial, and where a factual basis for the plea exists. *Id.* at 37-38.

Thus, Mr. Sichkar misunderstands the holding in *Alford* when he argues that the purpose of an *Alford* plea would be undermined if a

sentencing court considered failure to accept responsibility. The court found only that a protestation of innocence to an otherwise voluntary and knowing plea did not invalidate the plea on constitutional grounds. *Id.* The court did not promise defendants any other rights or benefits arising from maintaining innocence.

While Washington courts do not appear to have addressed this issue in a published opinion, other courts throughout the country “have consistently and nearly uniformly refused to ‘exempt’ *Alford*-type defendants from an assessment of remorse at the time of their sentencing.”

Bryan H. Ward, *A Plea Best Not Taken: Why Criminal Defendants Should Avoid the Alford Plea*, 68 Mo. L. Rev. 913, 923 (2003). They reason:

[O]nce the *Alford* plea is entered, the court may treat the defendant, for purpose of sentencing, as if he or she were guilty.

Although an *Alford* plea allows a defendant to plead guilty amid assertions of innocence, it does not require a court to accept those assertions. The sentencing court may, of necessity, consider a broad range of information, including the evidence of the crime, the defendant’s criminal history and the demeanor of the defendant, including the presence or absence of remorse. Such considerations play an important role in the court’s determination of the rehabilitative potential of the defendant.

State v. Howry, 127 Idaho 94, 96, 896 P.2d 1002 (1995).

Depending on the jurisdiction, expression of remorse may be a mitigating factor at sentencing or lack of remorse may be an aggravating factor. In either case, defendants who enter

an *Alford* plea and do not admit guilt do not receive the benefit of expression of remorse and are subjected to increased sentences.

James W. Diehm, *Pleading Guilty While Claiming Innocence: Reconsidering the Mysterious Alford Plea*, 26 U. of Fla. J.L. & Pub. Pol’y 27, 44 (2015),⁴ see also *U.S. v. Burns*, 925 F.2d 18 (1st Cir. 1991) (upholding trial court’s denial of sentence reduction, based in part on defendant’s failure to accept responsibility as demonstrated by entry of an *Alford* plea); *U.S. v. Harlan*, 35 F.3d 176 (5th Cir. 1994) (“We hold that a district court may consider whether a defendant has entered an *Alford* plea as a relevant factor when deciding whether to afford a defendant a reduction in offense level for acceptance of responsibility”); *U.S. v. Morris*, 139 F.3d 582, 584 (8th Cir. 1998) (“We also reject Morris’s suggestion that the district court’s consideration of the nature of his guilty plea—an *Alford* plea—violated his rights under the Fifth Amendment. The district court was careful to clarify that the *Alford* plea was only a factor in the

⁴ Notably, if this case involved a felony subject to the SRA, Mr. Sichkar would have no right to appeal a sentence within the standard range. RCW 9.94A.585(1). The felony cases that address this issue are cases in which the defendants were denied a mitigated sentence available to those who take responsibility, or were given an aggravated sentence for lack of remorse. There is no standard range in misdemeanor sentencing; the trial court has broad discretion to impose any sentence up to 364 days on each count. Here, contrary to what Mr. Sichkar implies, the court did not deviate upward from a standard range sentence.

decision whether to grant the reduction, not a disqualifier”); *U.S. v. Rodriguez*, 905 F.2d 372, 374 (11th Cir. 1990) (finding no error where the sentencing court considered defendant’s refusal to admit guilt as evidence of failure to accept responsibility following an *Alford* plea); *Smith v. Commonwealth*, 27 Va. App. 357, 499 S.E.2d 11 (1998) (a “court may consider a defendant’s lack of remorse at sentencing, even when the defendant has chosen to enter an *Alford* plea”); *State ex. rel. Warren v. Schwarz*, 211 Wis. 2d 710, 566 N.W.2d 173 (1997), *aff’d*, 579 N.W.2d 698 (1998) (“There is nothing inherent in the nature of an *Alford* plea that gives a defendant any rights, or promises any limitations, with respect to the punishment imposed after the conviction”); *People v. Bilski*, 333 Ill. App. 3d 808, 776 N.E.2d 882 (2002) (explaining that an *Alford* plea “is, at best, an equivocal acceptance of responsibility”); *Clark v. State*, 186 Ga. App. 106, 109, 366 S.E.2d 361, *aff’d*, 369 S.E.2d 900 (1988) (“Since the trial court’s imposition of sentence on appellant was not based *solely* on appellant’s lack of remorse, we decline to hold that the trial court abused its discretion in refusing to grant appellant’s motion to withdraw his guilty plea” (emphasis in original)).

As shown, broad authority supports a finding that sentencing courts may consider a defendant’s lack of remorse or failure to accept responsibility when determining the appropriate sentence, even after

pleading under *Alford*. The sole limitation is that entry of an *Alford* plea should not automatically bar a defendant from obtaining a mitigated sentence, or automatically invite an aggravated sentence; rather, lack of remorse or failure to accept responsibility should be one factor considered among others during sentencing.

Here, the trial court did not abuse its discretion. Though its language indicates it considered entry of an *Alford* plea and subsequent behavior during sentencing as an indication Mr. Sichkar had not accepted responsibility for his actions, the caselaw discussed above supports its consideration of those factors.

Moreover, failure to accept responsibility was not the dispositive or only factor the court considered. It also noted the severity of the case, the seriousness of the crimes, the long-time period over which the crimes occurred, the impact the defendant's actions had on his daughters' lives, and the permanent harm those actions caused. RP 25-31. Despite entry of an *Alford* plea, the court did not abuse its discretion in considering failure to accept responsibility as one factor among others in its sentencing decision.

B. THE TRIAL COURT DID NOT ABUSE ITS DISCRETION WHEN IT CONSIDERED THE FACTUAL BASIS FOR THE PLEA IN SENTENCING.

The trial court considered no improper information during sentencing.

Mr. Sichkar argues that the trial court violated the real facts doctrine in RCW 9.94A.530(3), which provides in relevant part that “[f]acts that establish the elements of a more serious crime or additional crimes may not be used to go outside the standard sentence range.”

First, the above provision is part of the SRA and does not apply to sentencing on a gross misdemeanor. *Deskins*, 180 Wn.2d at 78; *Langford*, 67 Wn. App. at 587; RCW 9.94A.010.

Second, even if the SRA applied, this sentence would not be appealable because it does not qualify as a sentence outside the standard range. RCW 9.94A.585(1). Where there is no standard range sentence for gross misdemeanors, the sentence in this case cannot be considered a sentence outside the standard range.

Third, even if the SRA did apply and the sentence was appealable, the SRA “does not limit in any way the sources of information a sentencing court may consider” when sentencing within the standard range. *State v. Mail*, 121 Wn.2d 707, 711, 854 P.2d 1042 (1993). Thus, even assuming the SRA applied, that provision would not limit the court.

Finally, even if the SRA applied and the sentence was outside the standard range, Mr. Sichkar has failed to demonstrate that the court, in fact,

considered evidence of a more serious crime. RCW 9.94A.370(3)⁵ limits, for example, a court’s ability to consider *mens rea* where a defendant is pleading to a charge of second degree assault, reduced from first degree assault—intent to injure being an element of first degree but not second degree assault. *State v. Morreira*, 107 Wn. App. 450, 459, 27 P.3d 639 (2001). The court cannot consider an element of a more serious charge as grounds for imposing an exceptional sentence on a lesser charge. *Id.*

Mr. Sichkar states that the court improperly considered failure to accept responsibility as an element which is not part of the crime of assault in the fourth degree with sexual motivation. Br. of Appellant at 9. But neither is that an element of the more serious charges of first, second, or third degree child molestation with which he was initially charged.⁶

⁵ This provision was recodified as RCW 9.94A.530 in 2001. Laws of 2001, ch. 10, § 6.

⁶ See RCW 9A.44.083(1) (“A person is guilty of child molestation in the first degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim”); RCW 9A.44.086(1) (“A person is guilty of child molestation in the second degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim”); RCW 9A.44.089(1) (“A person is guilty of child molestation in the third degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least fourteen years old but less than

Mr. Sichkar has also failed to point to any of the actual elements of first, second, or third degree child molestation which indicate the court relied on those elements during sentencing. The record indicates the court considered the police reports and statement of probable cause submitted by the prosecutor, in accordance with the terms of Mr. Sichkar's plea agreement, and specifically noted in his statement on plea of guilty. CP 7; RP 18-19, 28-29; CP 17-19.

Mr. Sichkar has failed to cite any applicable authority demonstrating the trial court considered improper evidence in making its sentencing decision. No abuse of discretion occurred.

C. THE TRIAL COURT DID NOT ABUSE ITS DISCRETION WHEN IT CONSIDERED THE VICTIM'S STATEMENT AT SENTENCING WITHOUT REQUIRING AN EVIDENTIARY HEARING.

The trial court was entitled to consider the victim's brief statement in determining the appropriate sentence.

In this argument also, Mr. Sichkar points to a provision in the SRA, which states:

In determining any sentence other than a sentence above the standard range, the trial court may rely on no more information than is admitted by the plea agreement, or admitted, acknowledged, or proved in a trial or at the time of sentencing, or proven pursuant to RCW 9.94A.537... Where

sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the victim").

the defendant disputes material facts, the court must either not consider the fact or grant an evidentiary hearing on the point.

RCW 9.94A.530(2). As stated above, the SRA does not apply to this case, and, even if it did, the sentence would not be appealable because it is not outside the standard range.

But even if the SRA did apply and the sentence was appealable, Mr. Sichkar objects to the victim's opinion, not to facts. It was her opinion and desire for him to serve time, and her opinion that two years was an appropriate sentence. These are not material, disputed facts about the nature of the crime or Mr. Sichkar's conduct. The court did not abuse its discretion by considering the victim's opinion about the appropriate sentence.

D. THE TRIAL COURT DID NOT USURP THE EXECUTIVE ROLE DURING SENTENCING.

The trial court's sentencing decision was a valid exercise of its discretion and was not an attempt by the court to force the prosecutor to bring additional or different charges he had declined to pursue.

As discussed previously, trial courts have broad discretion to impose any sentence up to 364 days on gross misdemeanors, which is exactly what the court did in this case. *Anderson*, 151 Wn. App. at 402.

Mr. Sichkar cites *In re Vasquez-Ramirez*, 443 F.3d 692 (9th Cir. 2006) to support his argument that the judge relied on his personal feelings

that the prosecutor's recommendation was too lenient and usurped the executive function by sentencing him to the maximum amount of time allowed for a gross misdemeanor. *Vasquez-Ramirez* is not applicable to this situation.

In *Vasquez-Ramirez*, the issue was whether a trial court may refuse to accept a guilty plea that complies with Federal Rule of Criminal Procedure 11(b). 443 F.3d at 694. Despite satisfaction of all the requirements contained in that rule, the sentencing court rejected the defendant's guilty plea because it carried a maximum of 30 months imprisonment, which the court found inadequate for the crimes. *Id.* at 695-96. On appeal, the reviewing court found that although the sentencing court had authority under Federal Rule of Criminal Procedure 11(c)(3) to reject a *plea agreement* it found too lenient, it had no authority to insert itself into the executive role of the prosecutor by rejecting a *guilty plea* it found too lenient on one particular charge when the plea fulfilled the requirements in Rule 11(b). *Id.* at 696-98.

Here, the trial court did not reject the guilty plea or the plea agreement. Therefore, *Vasquez-Ramirez* does not apply. The court had discretion to impose any sentence up to 364 days on each count and did not usurp the executive role by imposing the maximum number of days it had within its discretion to impose. *Anderson*, 151 Wn. App. at 402.

Neither did the court rely on improper personal feelings. Courts are authorized to exercise judgment, based on the information presented, to determine a just sentence. In this case, the court considered the serious nature of the crimes, the extended time period over which they occurred, the permanent harm they caused Mr. Sichkar's daughters, and Mr. Sichkar's failure to accept responsibility—facts the SRA specifically lists as factors to consider in sentencing on felonies, where judicial discretion is more limited than in the present context—and concluded the maximum sentence was appropriate. *See* RCW 9.94A.535(3)(b) (defendant knew victim was particularly vulnerable); RCW 9.94A.535(3)(d)(i) (multiple victims or multiple incidents per victim); RCW 9.94A.535(3)(f) (offense involved a finding of sexual motivation); RCW 9.94A.535(3)(h)(i) (offense involved domestic violence and was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years over a prolonged period of time); RCW 9.94A.535(3)(q) (defendant displayed egregious lack of remorse). The court relied on facts, not feelings, and did not abuse its discretion.

V. CONCLUSION

The State respectfully requests this Court affirm the trial court's sentence. Numerous court decisions confirm the trial court properly considered Mr. Sichkar's *Alford* plea and failure to take responsibility as

one factor in its sentencing decision. In addition, the court correctly relied on information admitted by the plea agreement and considered only the opinion of the victim, thereby satisfying the limitations of the SRA even where it does not apply. Finally, the court properly relied on a variety of facts in deciding the sentence and in no way usurped the executive function or inappropriately relied on personal feelings. As such, the court did not abuse its discretion and its decision should be affirmed.

Dated this 5 day of May, 2020.

LAWRENCE H. HASKELL
Prosecuting Attorney

A handwritten signature in black ink, appearing to read 'Alexis M. Lundgren', written over a horizontal line.

Alexis M. Lundgren, WSBA #51504
Deputy Prosecuting Attorney
Attorney for Respondent

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

STATE OF WASHINGTON,

Respondent,

v.

PETR SICHKAR,

Appellant.

NO. 35296-0-III

CERTIFICATE OF MAILING

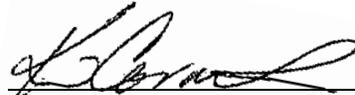
I certify under penalty of perjury under the laws of the State of Washington, that on May 5, 2020, I e-mailed a copy of the in this matter Brief of Respondent, pursuant to the parties' agreement, to:

Jason Johnson

jason@johnson-litigation.com; info@johnson-litigation.com

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(Date)

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(Place)


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SPOKANE COUNTY PROSECUTOR

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