

Court: Man not told about rights he was forfeiting

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A Yakima man serving a life term under the state’s “three strikes” law could see that sentence reduced after a state Court of Appeals found flaws with the way he was sentenced for his first strike.

In a 2-1 decision published Thursday, the Division III appellate court rejected Stephen Bailey’s 1998 robbery sentence saying he was not properly advised that he could have had his case heard in juvenile court.

The court, which had previously denied Bailey’s appeal, ruled that a recent state Supreme Court ruling required juveniles in adult court to be fully informed of the rights they were waiving if they agreed to be sentenced as adults.

The court also said there was no statement from the juvenile court that allowing the then-16-year-old Bailey to plead guilty as an adult was in his or the public’s best interest.

Bailey, now 32, was initially charged with first-degree robbery in 1997. He agreed to enter an Alford guilty plea — which allowed him to maintain his innocence while admitting there was enough evidence to convict him in a trial — in return for the charge being reduced to second-degree robbery.

In 2008, Bailey’s third strike came when he was convicted of first-degree assault and intimidating a witness. He was convicted of severely choking his girlfriend and later threatening her and her family if she didn’t take back her accusations. Prosecutors sought to sentence him under the three strikes law, counting his earlier robbery conviction and a 2002 third-degree rape conviction.

Bailey appealed, arguing that nobody explained to him before that his earlier plea would count against him under the three-strikes law. Juvenile convictions do not count toward the three strikes.



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