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Doney's sentence upheld

Child killer given 35-year prison term

The enhanced prison sentence for convicted killer Robert Doney Jr., who in 2003 bludgeoned a 2-year-old Spokane girl to death as her mother pleaded for the child's life, has been upheld.

The case has bounced repeatedly between the Division III Court of Appeals and the Washington Supreme Court based on arguments over legal technicalities surrounding the exceptional, 35-year prison term levied against Doney, with appellate judges upholding the punishment.

While Doney, 36, admitted to killing 2-year-old Victoria Ramon on the day after Christmas, he disputed the determinations – known as aggravating factors – that he showed a lack of remorse, that he acted with deliberate cruelty and that the victim was particularly vulnerable.

A jury found two of three of those factors applied and Superior Court Judge Jerome Leveque sentenced Doney in 2005 to 35 years in prison, which was longer than the standard sentence for first-degree murder.

Doney and his attorney appealed, and the courts eventually overturned the enhanced sentence until the Washington Legislature amended the law that allows judges to empanel juries to decide aggravated sentences.

Then, in 2010, another jury found aggravating factors and Leveque imposed the same 35-year sentence against Doney. He appealed on the grounds that Leveque lacked the authority to apply the law retroactively, but the appellate judges Thursday unanimously ruled against Doney and upheld Leveque's punishment.

"All defendants who received an exceptional sentence based on aggravating factors are eligible for a jury trial on remand to determine whether the aggravating factors exist," Judge Teresa Kulik wrote for the majority. "The application of the statute does not violate the due process clause."