

Sentence Overturned for Centralia Gang Member Who Was Sent to Prison for 92 Years at Age 16

By Stephanie Schendel | Posted: Thursday, September 20, 2012 8:54 am



The Chronicle, file photo

Guadalupe Solis-Diaz Jr., was convicted for 2007 drive-by shooting in downtown Centralia.

The former Centralia High School student convicted for the 2007 drive-by shooting in downtown Centralia will once again make an appearance in a Lewis County courtroom after the Washington Court of Appeals ruled that his 92-year sentence was unconstitutional and that his legal representation during his sentencing was “constitutionally deficient.”

Guadalupe Solis-Diaz Jr. was 16 when he sprayed bullets along the east side of Tower Avenue in downtown Centralia on Aug. 11, 2007. At the time of the drive-by shooting, several people were standing outside of both the Hub and Tower taverns. Solis-Diaz didn't hit anyone, including his intended target, but was convicted later that year on a series of assault charges and sentence enhancements for gang-related activity and firearm use.

The shooting was reportedly in retaliation for an altercation between a Centralia man and the street gang Little Valley Lokotes. The shooting was one of several that happened during the summer of 2007.

Solis-Diaz was sentenced to 1,111 months, approximately 92.5 years, in prison, which was the high-end of the standard sentencing range for the six counts of first-degree assault, one count of drive-by shooting, and one count of second-degree of unlawful possession of a firearm.

Following his trial, Solis-Diaz unsuccessfully appealed his conviction, though he did successfully challenge his sentence.

In a 14-page unpublished opinion issued Tuesday by the Washington Court of Appeals, the justices remanded Solis-Diaz to be resentenced in light of the U.S. Supreme Court's recent decision in *Graham V. Florida*, which ruled that the Eighth Amendment forbids the sentencing of a juvenile of life without the possibility of parole if the offender did not commit a homicide.

Lewis County Deputy Prosecutor Sara Beigh said while Solis-Diaz's conviction still stands, he will be transported back to Lewis County and appointed new counsel to be resentenced, which will ultimately be decided by a Lewis County judge again.

Beigh said the specifics of what the prosecutor's office will request in regards to a new sentence has not yet be determined, however it will likely be in the standard range for those type of charges, which is 77 years on the low end and more than 90 years on the high end.

In addition to finding the length of his sentence unconstitutional, the Washington Court of Appeals opinion also found that the legal representation of Solis-Diaz, now 22, was "constitutionally deficient" during his sentencing hearing.

During his trial and sentencing, Solis-Diaz was represented by Michael Underwood, a Lewis County court-appointed attorney.

Underwood failed to make "reasonable efforts" at advocating for his client during sentencing, according to the opinion. Underwood did not inform the court of a number of important factual and procedural considerations including failing to call attention to a U.S. Supreme Court decision that indicates courts should consider criminal sentences for juveniles differently than adults.

Also, Underwood did not call upon family or other community members that could have spoken about the teen's emotional and mental maturity, according to the opinion.

He also did not request a pre-sentencing report that could have spoken to Solis-Diaz's emotional and mental maturity.

Also, the opinion concluded that during his client's sentencing hearing, Underwood mistakenly told the court Solis-Diaz was "declined as a juvenile and tried (in superior court)," which implied Solis-Diaz had a hearing that declined him the right to be tried in juvenile court when in fact he was automatically tried as an adult due to violent nature of the crime.

The opinion concluded that while none of these errors or omissions alone require reversal, together they indicate his actions "fell below objective standards of effective representation."

Underwood did not return phone calls at his law office Wednesday afternoon.