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SUPREME COURT  
STATE OF WASHINGTON  
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No. 100094-4

IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON,

Respondent,

v.

TRAVIS TYLER BULLINGTON,

Petitioner.

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ANSWER TO PETITION FOR REVIEW

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## I. IDENTITY OF RESPONDENT

The State of Washington, respondent, asks that review be denied.

## II. STATEMENT OF THE CASE

The facts are correctly set out in the Court of Appeals' opinion. A transcript of the trial court's remarks at sentencing is attached to the Brief of Respondent.

## III. ARGUMENT

**THE RECORD SHOWS THAT THAT SENTENCING COURT CORRECTLY RECOGNIZED THE FACTORS GOVERNING IMPOSITION OF A SSOSA SENTENCE.**

The defendant argues that he should have been sentenced under the Special Sex Offender Sentencing Alternative (SSOSA). Whether to grant such a sentence is within the sentencing court's discretion. State v. Onefrey, 119 Wn.2d 572, 577, 835 P.2d 213 (1992). In the present case, the court explained at length why it did not believe that the circumstances warranted a SSOSA sentence. 2/5 RP 14-20. That ruling was not an abuse of discretion.

The petition for review contains a lengthy discussion of the supposed advantages of SSOSA sentences. The short answer is that this is a question for the Legislature. “[T]he fixing of penalties or punishments for criminal offenses is a legislative function, and the power of the legislature in that respect is plenary and subject only to constitutional provisions.” State v. Law, 154 Wn.2d 85, 92, 110 P.3d 717 (2005).

Contrary to the defendant’s suggestion, the SSOSA statute was not designed to prevent “over-incarceration” of sex offenders. Rather, its purpose was to “increase the protection of children from victimization by sex offenders.” People who have a close relationship with offenders are “often reluctant to report sex offenses if they feel the perpetrator will get a lengthy prison sentence.” The SOSSA statute was “designed to incentivize the reporting of abusers despite these close relationships.” State v. Pratt, 196 Wn.2d 849, 856 ¶ 16, 479 P.3d 680 (2021).

In the present case, the sentencing court correctly recognized this statutory purpose. 3/5 RP 15. The court refused to impose a SSOSA sentence when it would do nothing to accomplish that purpose. This decision was not an abuse of discretion.

The defendant claims that the trial court failed to consider various statutory factors. The record does not support that claim. To the contrary, the court specifically cited RCW 9.94A.670(4) as “provid[ing] the factors that the Court is to look at in considering whether or not a [S]SOSA is appropriate.” 3/5 RP 16-17. It is true that the court did not expressly discuss every statutory factor. There is, however, no requirement that the court do so. The statute requires express findings in only one situation: “[i]f the sentence imposed is contrary to the victim’s opinion.” RCW 9.94A.670(4). That did not occur here. The defendant cites no authority requiring

sentencing courts to enter specific findings beyond those required by statute.

The defendant also criticizes the court for characterizing a standard-range sentence as “the default” and SSOSA as “the exception.” 2/5 RP 16. Again, the court was correct. “Unless another term of confinement applies, [the court shall impose] a sentence within the standard sentence range.” RCW 9.94A.505(2)(a)(i). A standard-range sentence is thus the default, which must be imposed unless some other type of sentence is available. A SSOSA sentence is one of several possible exceptions to that general rule. RCW 9.94A.502(2)(a)(vii).

The sentencing court exercised its discretion not to grant a SSOSA in accordance with RCW 9.94A.670. There is no issue warranting review by this court.

#### **IV. CONCLUSION**

The petition for review should be denied.

This Answer contains 754 words (exclusive of title sheet, table of contents, table of authorities, certificate of service, and signature blocks).

Respectfully submitted on September 16, 2021.

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IN THE SUPREME COURT  
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STATE OF WASHINGTON  Respondent,  TRAVIS TYLER BULLINGTON,  Petitioner.
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No. 100094-4

DECLARATION OF DOCUMENT  
FILING AND E-SERVICE

DECLARATION OF DOCUMENT FILING AND SERVICE

I, DIANE K. KREMENICH, STATE THAT ON THE 16<sup>th</sup> DAY OF SEPTEMBER, 2021, I CAUSED THE ORIGINAL: ANSWER TO PETITION FOR REVIEW TO BE FILED IN THE COURT OF APPEALS – DIVISION ONE AND A TRUE COPY OF THE SAME TO BE SERVED IN THE FOLLOWING MANNER INDICATED BELOW:


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[X] E-SERVICE VIA  
PORTAL

SIGNED IN SNOHOMISH, WASHINGTON, THIS 16<sup>th</sup> DAY OF SEPTEMBER, 2021.



DIANE K. KREMENICH  
APPELLATE LEGAL ASSISTANT  
SNOHOMISH COUNTY PROSECUTOR'S OFFICE

**SNOHOMISH COUNTY PROSECUTOR'S OFFICE**

**September 16, 2021 - 8:37 AM**

**Transmittal Information**

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**Appellate Court Case Number:** 100,094-4  
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