No. 100569-5

IN THE SUPREME COURT OF THE
STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

vs.

CHARLES RILEY BLACKETER,

Petitioner.

PETITION FOR REVIEW

Court of Appeals No. 54121-1-II
Appeal from the Superior Court of Thurston County
Cause No. 16-1-00116-9 (16-1-00116-34)
Judge Carol Murphy & Judge Christine Schaller

STEPHANIE C. CUNNINGHAM
Attorney for Petitioner
WSBA No. 26436

4616 25th Avenue NE, No. 552
Seattle, Washington 98105
Phone (206) 526-5001

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES

OTHER AUTHORITIES

I. IDENTITY OF PETITIONER

The Petitioner is Charles Riley Blacketer, Defendant and Appellant in the case below.

II. COURT OF APPEALS DECISION

Petitioner seeks review of the unpublished opinion of the Court of Appeals, Division 2, case number 54121-1-II, which was filed on December 14, 2021. (Attached in Appendix) The Court of Appeals affirmed the conviction entered against Petitioner in the Thurston County Superior Court.

III. ISSUES PRESENTED FOR REVIEW

1. Is Petitioner's guilty plea unknowing in violation of due process where the record fails to affirmatively show that he was informed of a direct consequence of his plea?
2. Is the responsibility of paying the cost of a sex offender treatment program a direct consequence of a plea where participation in treatment is a

mandatory, definite, immediate and automatic effect of the plea?

3. Does the record fail to affirmatively show that Petitioner was fully informed that he would be responsible for paying the cost of a sex offender treatment program where the plea documents do not mention this cost, the cost is never mentioned during the plea hearing, and where Petitioner's attorney during the plea process did not provide a statement in writing or in person affirming that Petitioner was informed of this cost?

4. Whether Petitioner's due process rights were violated by the court reporter's eight month delay in transcribing the report of proceedings? (*Pro se* issue)

IV. STATEMENT OF THE CASE

On June 11, 2018, Charles Riley Blacketer pleaded guilty to an amended Information charging three counts of

third degree rape (RCW 9A.44.060(1)(a)), in exchange for the State's agreement to recommend he be sentenced under the Special Sex Offender Sentence Alternative (SSOSA) statute. (CP 46-58, 60-61, 257-70) In the guilty plea statement, Blacketer was advised that his sentence would include a requirement that he participate in a sex offender treatment program, and that his sentence could also include certain specific fines, fees, assessments, or restitution. (CP 47, 48, 50, 51, 52) But Blacketer was never informed, either on the guilty plea statement or at the guilty plea hearing, that he would be responsible for paying the costs of the sex offender treatment program. The trial court accepted the plea and imposed a SSOSA, which included a requirement that he participate in sex offender treatment. (CP 92, 101, 270; 07/16/18 RP 16-17)[1]

[1] The transcripts will be referred to by the date of the proceeding contained therein.

On February 28, 2019, the State filed a motion to revoke Blacketer's SSOSA. The State alleged that Blacketer failed to comply with several requirements of the SSOSA, including weekly in-person reporting and participation in a treatment program. (CP 130, 133-35, 160-61)

On September 5, 2019, newly appointed defense counsel filed a motion to allow Blacketer to withdraw his guilty plea pursuant to CrR 7.8. (CP 209-47) Defense counsel argued that Blacketer was entitled to withdraw his plea because he was never informed that he would be responsible for the cost of the sex offender treatment program or that he would not be able to participate in treatment if he did not pay. (CP 209-11; 09/30/19 RP 6-9)

The trail court denied Blacketer's motion. (CP 289-90; 09/30/19 RP 12-16) The court made the following relevant findings of fact:

6. [Original defense counsel] indicated to

[current defense counsel] that his general practice is to describe that sex offender treatment costs are in the thousands of dollars.

7. During the [plea] colloquy, [original defense attorney] indicated that he had fully reviewed all of the collateral consequences, including sex offender treatment.

(CP 280) The trial court made the following relevant conclusions of law:

2. Sex offender treatment is not a direct consequence of a plea to a sex offense. The court finds that it is a collateral consequence.
3. Even if sex offender treatment were a direct consequence, the Defendant was fully advised of the rights and the responsibilities that he had as part of the plea agreement he entered into.

(CP 280)

After an evidentiary hearing, the trial court also determined that Blacketer had violated the terms of his SSOSA. (09/30/19 RP 59-62) The court revoked the SSOSA and imposed a 51 month term of confinement. (10/03/19 RP 8-9; CP 277-78, 281-82, 286)

Blacketer filed a timely Notice of Appeal. (CP 298) The Court of Appeals affirmed Blacketer's conviction and sentence.

V. ARGUMENT & AUTHORITIES

The issues raised by Blacketer's petition should be addressed by this Court because the Court of Appeals' decision conflicts with settled case law of the Court of Appeals, this Court and of the United State's Supreme Court. RAP 13.4(b)(1) and (2).

Blacketer's guilty plea was unknowing in violation of constitutional due process, because he was not informed of a direct sentencing consequence of the plea—that he would be required to pay the costs of a sex offender treatment program. Accordingly, Blacketer is entitled to withdraw his guilty plea.

A. STANDARD OF REVIEW

Under CrR 4.2(f), the trial court "shall allow a defendant to withdraw the defendant's plea of guilty

whenever it appears that the withdrawal is necessary to correct a manifest injustice." However, if the motion for withdrawal is made after the judgment, it must also meet the requirements of CrR 7.8(b), which states that a court "may relieve a party from a final judgment" for several reasons including mistake, newly discovered evidence, fraud, a void judgment, or any other reason justifying relief. CrR 4.2(f); *State v. Lamb*, 175 Wn.2d 121, 128, 285 P.3d 27 (2012).

A defendant who demonstrates that his plea was entered involuntarily meets the burden of establishing a manifest injustice under CrR 4.2(f) and a basis for allowing the withdrawal of a guilty plea under CrR 7.8(b)(5). See, e.g., *State v. Pugh*, 153 Wn. App. 569, 577, 222 P.3d 821 (2009) (citing *State v. Taylor*, 83 Wn.2d 594, 597, 521 P.2d 699 (1974)); *State v. Martinez*, 161 Wn. App. 436, 441, 253 P.3d 445 (2011).

Normally, a trial court's decision on a CrR 7.8

motion to withdraw a guilty plea is reviewed for abuse of discretion. *See State v. Hardesty*, 129 Wn.2d 303, 915 P.2d 1080 (1996) (applying an abuse of discretion standard when the decision involved factual findings). However, where the request for withdrawal is based on a claimed constitutional error, review is de novo. *State v. Buckman*, 190 Wn.2d 51, 57-58, 409 P.3d 193 (2018) (citing *State v. Gresham*, 173 Wn.2d 405, 419, 269 P.3d 207 (2012); *In re Pers. Restr. of Stenson*, 174 Wn.2d 474, 488, 276 P.3d 286 (2012)).

B. A PERSON PLEADING GUILTY TO A CRIME MUST BE CORRECTLY INFORMED OF ALL DIRECT SENTENCING CONSEQUENCES OF THE PLEA.

When a person pleads guilty to a crime, constitutional due process requires that they do so knowingly, voluntarily, and intelligently. *State v. Ross*, 129 Wn.2d 279, 284, 916 P.2d 405 (1996); U.S. Const. amend. 14; Wash. Const. art. 1, § 3. Whether a plea satisfies this standard depends primarily on whether the

defendant correctly understood its consequences. *State v. Walsh*, 143 Wn.2d 1, 8, 17 P.3d 591 (2001); *State v. Miller*, 110 Wn.2d 528, 531, 756 P.2d 122 (1988).

A person pleading guilty must be properly informed of all direct sentencing consequences of the plea. *Ross*, 129 Wn.2d at 285; *State v. Barton*, 93 Wn.2d 301, 305, 609 P.2d 1353 (1980) ("Defendant must be informed of all the direct consequences of his plea prior to acceptance of a guilty plea"). "A guilty plea is not knowingly made when it is based on misinformation of sentencing consequences." *In re Pers. Restr. of Isadore*, 151 Wn.2d 294, 298, 88 P.3d 390 (2004) (citing *Miller*, 110 Wn.2d at 531). The record must affirmatively show the defendant was informed of the full consequences of the plea. *Barton*, 93 Wn.2d at 304 (citing *Wood v. Morris*, 87 Wn.2d 501, 554 P.2d 1032 (1976)).

The Court of Appeals affirmed Blacketer's plea because he "cannot show that a rational person in his

situation would more likely than not have insisted on proceeding to trial[.]" (Opinion at 5) But this is not the relevant inquiry. Rather, when a defendant is not informed or is misinformed about a direct sentencing consequence of a guilty plea, they need not demonstrate that the misinformation materially affected their decision to plead guilty. *State v. Mendoza*, 157 Wn.2d 582, 591, 141 P.3d 49 (2006); *Isadore*, 151 Wn.2d at 302. Thus, "[a]bsent a showing that the defendant was correctly informed of all of the direct consequences of his guilty plea, the defendant may move to withdraw the plea." *Mendoza*, 157 Wn.2d at 591.

The record in this case does not affirmatively show that Blacketer was informed of one particular direct sentencing consequence of his guilty plea—that he would be required to pay the costs of a mandatory sex offender treatment program.

C. SEX OFFENDER TREATMENT, AND THE FACT THAT ITS COST MUST BE BORNE BY THE DEFENDANT, IS A DIRECT CONSEQUENCE OF A GUILTY PLEA TO A SEX OFFENSE WITH A SSOSA.

As stated, a person pleading guilty must be informed of all direct sentencing consequences of the plea. *Barton*, 93 Wn.2d at 305. But they need not be informed of all possible collateral consequences. *Barton*, 93 Wn.2d at 305. "The distinction between direct and collateral consequences of a plea turns on whether the result represents a definite, immediate and largely automatic effect on the range of the defendant's punishment." *Barton*, 93 Wn.2d at 305 (citation omitted). Thus, for example, a defendant must be correctly informed of the standard sentence range (*Walsh*, 143 Wn.2d at 8), the mandatory minimum (*Wood*, 87 Wn.2d at 513), the possible maximum sentence (*State v. Vensel*, 88 Wn.2d 552, 555, 564 P.2d 326 (1977)), and the community custody term (*Ross*, 129 Wn.2d at 284-85) to

be imposed for the crime to which he pleads guilty. But they need not be informed, for example, of the possibility of an habitual offender proceeding, because: (1) an habitual proceeding is not automatically imposed after a person pleads guilty; and (2) a person's status as an habitual offender is determined in a subsequent independent trial in which he is entitled to further procedural protections. *Barton*, 93 Wn.2d at 305-06.

Restitution is a direct rather than collateral consequence of a guilty plea. *State v. Cameron*, 30 Wn. App. 229, 233, 633 P.2d 901 (1981). That is because "[r]estitution does not turn on a defendant's personal history, but the possibility of restitution stems directly from the conviction of a crime that results in some pecuniary gain to the defendant or loss to the victim." *Cameron*, 30 Wn. App.at 233-34. Therefore, restitution is a direct consequence and the defendant must be advised of the possibility of restitution prior to entering the plea.

Cameron, 30 Wn. App. at 234.

Likewise, because a mandatory fine enhances a defendant's sentence, it is also considered a direct consequence of a guilty plea. *See Ross*, 129 Wn.2d at 285. Like restitution and fines, the obligation to pay for a mandatory treatment program is a direct consequence of a guilty plea to a sex offense with a SSOSA, because it stems directly from the conviction for the crime.

As part of his sentence, Blacketer was ordered to participate in sex offender treatment. (CP 50, 52, 102) If he did not participate, then he would be found in violation of the SSOSA and his suspended sentence could be revoked. (CP 52, 92, 95) Sex offender treatment is therefore a direct consequence of Blacketer's guilty plea. The fact that he must pay for it out of his own pocket is also a direct consequence, because it is required, and definite, immediate and automatic in effect. Blacketer therefore should have been informed of this obligation

prior to entering his plea. The trial court's conclusion that it is not a direct consequence was in error. (CP 280; 09/30/19 RP 14)

D. BLACKETER WAS NOT INFORMED OF THIS IMPORTANT DIRECT CONSEQUENCE OF HIS PLEA.

The trial court also erred when it found that Blacketer was informed of the consequence that he would be required to pay the costs of sex offender treatment because the record does not support this conclusion. (CP 280; 09/30/19 14-15)

The written Statement of Defendant on Plea of Guilty to Sex Offense form includes language informing Blacketer that the crime carries a fine of up to $10,000 (CP 47), and that the court can order him to pay $500.00 to the crime victim penalty fund and to pay other "mandatory fines, fees, assessments, or penalties," court costs, attorney fees, costs of incarceration, and restitution. (CP 48) It also includes a requirement that the

offender pay a $100.00 DNA collection fee.[2] (CP 51) The form mentions these specific costs, but does not include any advisement that the court will order him to pay for sex offender treatment. Nor does it inform Blacketer that he will not be able to participate in this mandatory program if he cannot afford the cost.

Additionally, in Appendix H of the Judgment and Sentence, it states that Blacketer, "shall, at his own expense, submit to random uranalysis and/or breathalyzer testing[.]" (CP 72) But where the sex offender treatment requirement is ordered, there is no similar language indicating that treatment shall be at Blacketer's "own expense." (CP 73) It would not be obvious to the average person reading these forms that the costs of treatment are to be borne by the defendant. In fact, the forms' specificity regarding so many terms and

[2] This fee was crossed out in Blacketer's form because his DNA had already been collected. (07/16/18 RP 6)

conditions, with no mention of the cost of treatment, would imply that expense was actually not the responsibility of the defendant.

The trial court found that the defense attorney who represented Blacketer when he entered the plea "indicated to [current] defense counsel that his general practice is to describe that sex offender treatment costs are in the thousands of dollars." (CP 280) This is irrelevant for several reasons. First, Blacketer's original defense attorney did not testify at the motion hearing, nor did he provide a sworn statement averring to this fact. This second hand information provided to the court by Blacketer's current defense attorney does not establish that Blacketer was in fact affirmatively informed that he must pay for treatment.

Secondly, a mere indication that defense counsel may have discussed the expense of treatment does not affirmatively show that counsel actually did discuss it with

Blacketer. And finally, even if defense counsel discussed the costs of sex offender treatment, that does not mean that counsel explained that Blacketer would have to pay the costs of the treatment program out of his own pocket and that his failure or inability to pay would mean he could not participate.

Contrary to the trial court's findings, the record simply fails to affirmatively show that Blacketer was informed that he would be responsible for paying for the mandatory sex offender treatment program. When a person pleads guilty but is not fully informed of the direct sentencing consequences of the plea, the plea is involuntary and the defendant is entitled to withdraw the plea. *Isadore*, 151 Wn.2d at 298; *Ross*, 129 Wn.2d at 284; CrR 4.2(f). Because Blacketer was not informed of a direct consequence of his guilty plea, he is entitled to withdraw the plea.

E. PRO SE ISSUE

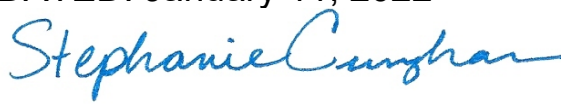
In his pro se Statement of Additional Grounds for Review (SAG), Blacketer argued that his due process rights were violated by the court reporter's delay in transcribing the report of proceedings from his hearing. The arguments and authorities pertaining to this issue is contained in his SAG, which is hereby incorporated by reference. The Court of Appeals found that the eight-month delay was not unreasonable under the circumstances. (Opinion at 6) This Court should review this pro se issue as well.

VI. CONCLUSION

For the reasons argued above, this Court should accept review and remand this case to allow Blacketer to withdraw his plea.

This document contains 2649 words, excluding the parts of the document exempted from the word count, according to the calculation of the word processing software used to prepare this document, and therefore complies with RAP 18.17.

DATED: January 11, 2022



STEPHANIE C. CUNNINGHAM
WSBA #26436
Attorney for Charles R. Blacketer

APPENDIX

Court of Appeals Opinion in *Charles Blacketer*, No. 54121-1-II

Filed
Washington State
Court of Appeals
Division Two

December 14, 2021

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON, Respondent, v. CHARLES RILEY BLACKETER, Appellant.	No. 54121-1-II UNPUBLISHED OPINION

WORSWICK, J. — Charles Riley Blacketer appeals the trial court's order denying his CrR 7.8 motion to withdraw his guilty plea. Blacketer argues that his guilty plea was not made knowingly because he was not informed that he would be responsible for paying for the sex offender treatment program ordered as part of his special sex offender sentence alternative (SSOSA). In a statement of additional grounds for review, Blacketer also argues that his due process rights were violated by the court reporter's delay in transcribing the report of proceedings from his CrR 7.8 hearing. We disagree with both of Blacketer's arguments and affirm the trial court's denial of his CrR 7.8 motion.

FACTS

After the daughter of Blacketer's former girlfriend disclosed that Blacketer had repeatedly raped her from the time she was 6 until she was 15, the State charged Blacketer with first degree child rape and third degree child rape.

As the parties were conducting voir dire for a jury trial, Blacketer informed the court that he and the State had reached a resolution. Blacketer pleaded guilty to amended charges of three counts of third degree child rape. Included in his statement of defense on plea of guilty was the State's recommendation that Blacketer receive a SSOSA sentence and complete sex offender perpetrator treatment. The trial court sentenced Blacketer on July 16, 2018. At the plea hearing, the trial court engaged in a colloquy with Blacketer, confirming that he had a full understanding of the consequences of his guilty pleas. Defense counsel specifically informed the trial court that he had reviewed the consequences with Blacketer, including what the SSOSA program involves and "all the collateral, firearms, sex offender registration issues that are involved [], as well as the sex offender treatment, the DOC supervision." Clerk's Papers (CP) at 268. The trial court found that the guilty pleas were made knowingly and voluntarily and accepted the pleas.

The trial court granted Blacketer a SSOSA and sentenced Blacketer to 51 months confinement, suspended. The trial court ordered Blacketer to undergo and successfully complete an outpatient sex offender treatment program. Specifically, the judgment and sentence stated:

> The defendant shall enter into and make progress towards successfully completing a program offering State certified specialized treatment for problems of sexual deviance within 30 day of release and sign all releases necessary to ensure the CCO can consult with the treatment provider to monitor progress and compliance.

CP at 102.

In February 2019, the State filed a motion to revoke Blacketer's SSOSA sentence based on his failure to comply with the conditions of his sentence. In September 2019, Blacketer filed a motion under CrR 4.2(f) and CrR 7.8(b)(1) to withdraw his guilty plea. Blacketer argued that

the cost of sex offender treatment was a direct consequence of his guilty plea of which he was not informed.

The trial court held a hearing on the State's motion to revoke the SSOSA sentence and Blacketer's motion to withdraw his guilty plea. As to the State's motion to revoke, the trial court found that Blacketer had failed to report as required since September 6, 2018, failed to take a polygraph test as required, failed to be available for drug and alcohol testing since March 6, 2019, and failed to enter into or participate in sexual deviancy treatment as required by his SSOSA sentence. The trial court concluded that Blacketer failed to comply with the terms and conditions of his SSOSA sentence and revoked the SSOSA sentence and ordered Blacketer to be committed to the DOC for 51 months.

As to Blacketer's motion to withdraw his guilty plea, the trial court reviewed the evidence submitted, and entered findings of fact and conclusions of law. The court concluded that sex offender treatment is a collateral consequence, not a direct consequence, of a plea to a sex offense. The trial court further concluded that "[e]ven if sex offender treatment were a direct consequence, [Blacketer] was fully advised of the rights and the responsibilities that he had as part of the plea agreement he entered into." CP at 280. Accordingly, the trial court denied Blacketer's motion to withdraw his guilty plea.

Blacketer appeals the trial court's order denying his motion to withdraw his guilty plea.

ANALYSIS

Blacketer argues that the trial court erred by denying his CrR 7.8 motion to withdraw his guilty plea because he was not informed that he would be responsible for the cost of sex offender treatment. We hold that the trial court did not err.

Generally, we review a trial court's decision on a CrR 7.8 motion to withdraw a guilty plea for abuse of discretion. *State v. Buckman*, 190 Wn.2d 51, 57, 409 P.3d 193 (2018). But where, as here, the request for withdrawal is based on a claimed prejudicial constitutional error, we review the court's decision de novo. *Buckman*, 190 Wn.2d at 58.

A court must allow a defendant to withdraw a guilty plea when necessary to correct a manifest injustice. CrR 4.2(f); *In re Pers. Restraint of Stockwell*, 179 Wn.2d 588, 595, 316 P.3d 1007 (2014). "Due process requires that a defendant's guilty plea be knowing, voluntary, and intelligent." *State v. Mendoza*, 157 Wn.2d 582, 587, 141 P.3d 49 (2006). A defendant does not enter a guilty plea knowingly or voluntarily when it is based on misinformation about the direct sentencing consequences. *State v. Robinson*, 172 Wn.2d 783, 790, 263 P.3d 1233 (2011). Enforcing a plea agreement that was not entered knowingly, voluntarily, and intelligently violates due process and results in a manifest injustice. *Mendoza*, 157 Wn.2d at 587.

A motion to withdraw a plea after entry of judgment is a collateral attack governed by CrR 7.8, which allows the court to relieve a party from final judgment for reasons including mistake, newly discovered evidence, or any other reason justifying relief. *Buckman*, 190 Wn.2d at 60. "On collateral review, when the claimed error is 'a misstatement of sentencing consequences,' we require the petitioner to show 'actual and substantial prejudice.'" *Buckman*, 190 Wn.2d at 60 (quoting *Stockwell*, 179 Wn.2d at 598-99).

For a defendant seeking to withdraw a guilty plea, that means showing "that a rational person in his situation would more likely than not have insisted on proceeding to trial."

Buckman, 190 Wn.2d at 71. The actual and substantial prejudice inquiry is "an objective, rational person inquiry, rather than a subjective analysis." *Buckman*, 190 Wn.2d at 66. "'[A] bare allegation that a petitioner would not have pleaded guilty if he had known all the consequences of the plea is not sufficient to establish prejudice.'" *Buckman*, 190 Wn.2d at 67 (quoting *In re Pers. Restraint of Riley*, 122 Wn.2d 772, 782, 863 P.2d 554 (1993)).

Here, Blacketer fails to show actual and substantial prejudice. Blacketer makes no argument that a rational person would more likely than not have insisted on proceeding to trial had they known they would be responsible for the cost of sex offender treatment. Indeed, Blacketer does not even contend that *he* would have chosen not to plead guilty. Blacketer was initially charged with first degree child rape and third degree child rape, which, if convicted, would have resulted in a significantly longer sentence. *See* RCW 9.94A.510, .515. Because Blacketer cannot show that a rational person in his situation would more likely than not have insisted on proceeding to trial, Blacketer fails to show that the trial court erred by denying his CrR 7.8 motion to withdraw his guilty plea.

STATEMENT OF ADDITIONAL GROUNDS

In his statement of additional grounds, Blacketer argues that his due process rights were violated by the court reporter's delay in transcribing the report of proceedings from his hearing. We disagree.

When a state provides a constitutional right to appeal and establishes appellate courts as an integral part of the criminal justice system, an appeal must comport with due process. *State v. Burton*, 165 Wn. App. 866, 876, 269 P.3d 337 (2012). "Washington guarantees the right to appeal criminal prosecutions, and substantial delay in the appellate process may constitute a due

process violation." *State v. Lennon*, 94 Wn. App. 573, 577, 976 P.2d 121 (1999). To determine whether appellate delay amounts to a due process violation, Washington courts apply a modified version of the four-part test set forth in *Barker v. Wingo*, 407 U.S. 514, 530, 92 S. Ct. 2182, 33 L. Ed. 2d 101 (1972). *Lennon*, 94 Wn. App. 573, 577-78, 976 P.2d 121 (1999). This test requires us to examine (1) the length of the delay, (2) the reason for the delay, (3) the defendant's diligence in pursuing the right to appeal, and (4) the prejudice to the defendant. *Lennon*, 94 Wn. App. at 578.

"The length of the delay acts as a triggering mechanism, meaning that unless the delay is unreasonable under the circumstance, there is no necessity to inquire further." *Lennon*, 94 Wn. App. at 578. In *Lennon*, Division III of this court determined that a court reporter's 10-month delay in preparing the report of proceedings fell far short of a due process violation. 94 Wn. App. at 578. Here, most of the report of proceedings was prepared and filed with this court on time. However, one court reporter failed to file the report of proceedings from Blacketer's June 2018 hearing despite numerous attempts by counsel and this court to contact her and the repeated imposition of sanctions. During the unprecedented COVID-19 pandemic, the court reporter moved from Thurston County to eastern Washington and never filed the hearing transcript. Eight months after the transcript was due, counsel agreed to use the transcript filed in the clerk's papers, and the appeal proceeded. While we empathize with Blacketer's frustration, the eight-month delay was not unreasonable under the circumstances. Accordingly, there is no necessity to inquire further.

We affirm.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

Worswick, J.

We concur:

Lee, C.J.

Cruser, J.

IN THE COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, Respondent, vs. CHARLES RILEY BLACKETER, Appellant.	No. 54121-1-II DECLARATION OF SERVICE

I, Stephanie C. Cunningham, court-appointed counsel for Appellant CHARLES RILEY BLACKETER, certify that I caused to be placed in the mails of the United States, first class postage pre-paid, a true and complete copy of the PETITION FOR REVIEW and this DECLARATION OF SERVICE, addressed to:

Charles R. Blacketer
119 East Curtis St.
Aberdeen, WA 98520

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: January 11, 2022

Stephanie Cunningham

STEPHANIE C. CUNNINGHAM
WSBA #26436
Attorney for Charles R. Blacketer

STEPHANIE C. CUNNINGHAM
ATTORNEY AT LAW
4616 25TH AVENUE NE, NO. 552
SEATTLE, WASHINGTON 98105
(206) 526-5001 ♦ SCCAttorney@yahoo.com

January 11, 2022 - 2:07 PM

Transmittal Information

Filed with Court:	Court of Appeals Division II
Appellate Court Case Number:	54121-1
Appellate Court Case Title:	State of Washington, Respondent v. Charles Riley Blacketer, Appellant
Superior Court Case Number:	16-1-00116-9

The following documents have been uploaded:

- 541211_Affidavit_Declaration_20220111140108D2787271_1303.pdf
  This File Contains:
  Affidavit/Declaration - Service
  The Original File Name was Blacketer Dec.pdf
- 541211_Petition_for_Review_20220111140108D2787271_1125.pdf
  This File Contains:
  Petition for Review
  The Original File Name was Blacketer P4R.pdf

A copy of the uploaded files will be sent to:

- PAOAppeals@co.thurston.wa.us
- joseph.jackson@co.thurston.wa.us
- teri.bryant@lewiscountywa.gov

Comments:

Sender Name: Stephanie Cunningham - Email: sccattorney@yahoo.com
Address:
4616 25TH AVE NE # 552
SEATTLE, WA, 98105-4183
Phone: 206-526-5001

Note: The Filing Id is 20220111140108D2787271

January 11, 2022 - 2:07 PM

Transmittal Information

Filed with Court:	Court of Appeals Division II
Appellate Court Case Number:	54121-1
Appellate Court Case Title:	State of Washington, Respondent v. Charles Riley Blacketer, Appellant
Superior Court Case Number:	16-1-00116-9

The following documents have been uploaded:

- 541211_Affidavit_Declaration_20220111140108D2787271_1303.pdf
  This File Contains:
  Affidavit/Declaration - Service
  The Original File Name was Blacketer Dec.pdf
- 541211_Petition_for_Review_20220111140108D2787271_1125.pdf
  This File Contains:
  Petition for Review
  The Original File Name was Blacketer P4R.pdf

A copy of the uploaded files will be sent to:

- PAOAppeals@co.thurston.wa.us
- joseph.jackson@co.thurston.wa.us
- teri.bryant@lewiscountywa.gov

Comments:

Sender Name: Stephanie Cunningham - Email: sccattorney@yahoo.com
Address:
4616 25TH AVE NE # 552
SEATTLE, WA, 98105-4183
Phone: 206-526-5001

Note: The Filing Id is 20220111140108D2787271