

FILED
SUPREME COURT
STATE OF WASHINGTON
7/20/2023 2:38 PM
BY ERIN L. LENNON
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Supreme Court No. 102113-5

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

THE STATE OF WASHINGTON,
Respondent,

v.

LILTON LAMAR GREEN,
Petitioner.

ANSWER TO PETITION FOR REVIEW

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for Benton County

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I. ISSUES PRESENTED FOR REVIEW

Does the Court of Appeals' decision conflict with a prior Court of Appeals decision, specifically, *State v. Havens*, or does it involve a substantial public interest that should be determined by the Supreme Court?

II. STATEMENT OF THE CASE

The timeline centers on the defendant's criminal history on two crimes:

November 29, 1995: The defendant is sentenced to 90 days of confinement converted to work or school release, with one day of credit for time served, for two Telephone Harassment convictions. CP 165.

December 19, 2000: The date of offense for another Telephone Harassment charge, which resulted in a conviction for which he was sentenced on June 27, 2001. CP 165.

III. ARGUMENT

- A. The decision of the Court of Appeals does not conflict with *State v. Havens*, 171 Wn. App. 220, 286 P.3d 722 (2012), under RAP 13.4 (b)(1).

The State refers to its brief to the Court of Appeals pages 7-9 regarding the *Havens* case, and the Court of Appeals decision pages 8-9 regarding the *Havens* case. The State believes this briefing and the decision adequately addresses the issue. The defendant has offered nothing new to counter the arguments.

B. The decision of the Court of Appeals does not involve an issue of substantial public interest that should be determined by the Supreme Court, under RAP 13.4 (b)(4).

The defendant argues that “the Court of Appeals approach is likely to result in burdening trial courts with the duty to locate and parse obsolete statutes governing sentences in order to perform calculations based on speculative assumptions.” PRV at 7. Leaving aside whether this is a public interest, the trial court did not have to speculate or assume anything to determine that an 89-day jail sentence could not be completed within 20 days. This is not a close case.

IV. CONCLUSION

Accordingly, the petition for review should be denied.

This document contains 314 words, excluding the parts of the document exempted from the word count by RAP 18.17.

RESPECTFULLY SUBMITTED this 20th day of July,
2023.

ERIC EISINGER
Prosecutor



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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this day I served, in the manner indicated below, a true and correct copy of the foregoing document as follows:

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Signed at Kennewick, Washington on July 20, 2023.


Demetra Murphy
Appellate Secretary

BENTON COUNTY PROSECUTOR'S OFFICE

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Transmittal Information

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