

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
1/23/2018 11:19 AM  
BY SUSAN L. CARLSON  
CLERK

NO. 95380-5

THE SUPREME COURT OF  
OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON,  
Respondent,

v.

LEOPOLDO CUEVAS CARDENAS,  
Appellant/Petitioner.

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ANSWER TO PETITION FOR REVIEW  
BY YAKIMA COUNTY

---

David B. Trefry  
WSBA #16050  
Senior Deputy Prosecuting Attorney  
P.O. Box 4846  
Spokane, WA 99220

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**A. INTRODUCTION.**

This case was decided by the Court of Appeals Division III. That court ruled that there was no basis to reverse the underlying conviction however, there were matters that had to be addressed by the trial court on remand.

**ISSUES PRESENTED BY PETITION**

1. This Court should grant review because the Court of Appeals opinion "...Is Arbitrary, Unconstitutional And Contrary to Law And Not Supported By The Record."

**ANSWER TO ISSUES PRESENTED BY PETITION**

1. The Court of Appeals opinion does not merit review under any circumstance and specifically not under RAP 13.4

**B. STATEMENT OF THE CASE**

A full recitation of the facts in the underlying appeal are not need to address this petition. Those facts that are needed are set forth in the Court of Appeals opinion and the State's original brief in the direct appeal.

**ARGUMENT**

This type of petition is governed by RAP 13.4(b), which sets forth the standard an appellant must meet before their case will be accepted for review. Cardenas does not cite to any rule or standard.

The court of appeals opinion does not meet any of the criterion set forth in RAP 13.4(b). The opinion does not 1) Conflict with any decision

by this court; **2)** does not conflict with any opinion of the other two divisions of the Court of Appeals **(3)** does not address issues that are significant question of law under the Constitution of the State of Washington or of the Constitution of United States and **4)** the issues raised by Cardenas do not involve any issues of substantial public interest that this court should address.

While it is nearly impossible to ascertain exactly what “issues” Cardenas raises in this petition there are some that stand out and the State believes a brief response would assist this court in its review.

1) Cardenas begins by stating that nothing in the opinion of the Court of Appeals indicates what the State conceded nor what issues were cured. The written opinion in the case clearly sets forth what action was taken by the State when it conceded certain issues and what the court’s response was to those specific concessions.

This court can see from Petitioner’s motion for review that he was served with a copy of the Court of Appeals Opinion. That opinion details what actions were taken by that court. The information in the opinion is more than sufficient to inform the defendant what the State, his appellate counsel and the court actually did regarding several of the initially raised issues, most specifically those that were conceded or cured.

2) Another issue raised by Cardenas is that the portion of the

opinion address his new offender score calculation is not supported by the record. This allegation is also without merit.

The court of appeals sets forth those historical criminal acts that were allegedly incorrectly counted, discounts them from his score and then clearly sets out how the same criminal history when analyzed with the correct law results in the offender score for Cardenas which is still in excess of 9 points, the score which is literally the maximum point total set forth within a mandated scoring range.

This “new” total being in excess of 9 points and the trial court’s oral ruling at the time of the sentencing allowed the court of appeals to determine that there was no need to remand the case or resentencing. The court of appeals grounds this determination on State v. Tili, 148 Wn.2d 350, 358, 60 P.3d 1192 (2003).

See also, State v. Perez, 69 Wn. App. 133, 140, 847 P.2d 532 (1993);

We are satisfied that the trial court would have followed the State's recommendation and imposed the same sentence absent the improper factor. Therefore, we need not remand for further consideration. State v. Fisher, 108 Wn.2d 419, 429-30, 430 n.7, 739 P.2d 683 (1987). State v. Drummer, 54 Wn. App. 751, 760, 775 P.2d 981 (1989).

3) In a similar claim regarding his sentence Cardenas states that

the standard range that was imposed was in excess of that allowed because his conviction was for an *attempted* burglary and his sentence should only be 75% of that imposed.

This once again is incorrect. The Sentencing Reform Act scoring sheet for a burglary is included in Appendix A of this Answer. That form sets forth that the standard range for this offense, based on an offender score of 9+ is actually 51-68. The standard range was the basis for the range that was calculated by the State and that is set forth in the judgment and sentence. (See Appendix B) The range listed on that judgment and sentence is “38.5-51” which is 75% of the full range of 51-68.

4) Cardenas also claims that the finding and conclusion were not provided to him, they are in the record before the court of appeals and therefore the court was correct when it states that that issue addressed by the State, cured and therefore it is now moot. Whether Cardenas has a copy of those findings and conclusions does not impact the ruling made by the court of appeals.

5) Cardenas, for the first time in this appeal, now alms that the has been some sort of violation of his right to be present at critical stages. There is nothing in any part of the record in this case that would allow any type of review of this new allegation nor is there a legal basis for review because Cardenas has never, in his brief or his statement of additional

grounds made this claim before.

Cardenas alleges that he should be present for his “resentencing hearing” (Petition at 5-6) however there will be no “resentencing” in this case, merely corrections of the judgment and sentence to reflect the proper dates and point total. Therefore, there is no need for Cardenas to be transported to Yakima County.

6) Cardenas posits that “the State admitted a true all the claims raised in my Statement of Additional Grounds” (Petition at 6) however the Court of Appeals did not call for a response to that SAG by the State and therefore that was never any admissions by the State.

7) The “issues” raised from page 7-9 of Cardenas’ petition are a mix of unfounded rambling and some attempt to dispute the ruling by the court of appeals opinion denying allegations raised in Cardenas’ SAG. As stated above the State did was not a party to in the Court of Appeals.

The Court of Appeals clearly and concisely addressed these allegations. After the court of appeals reviewed the record from the trial court and applicable law the court determined there was no merit to any of the additional claims raised by way of Cardenas’s statement of additional grounds.

#### **D. CONCLUSION**

The Court of Appeals opinion does not merit review by this court



under RAP 13.4 and therefore this court should deny review.

Respectfully submitted this 23<sup>rd</sup> day of January 2018,

David B. Trefry

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# APPENDIX A

# Burglary Second Degree

RCW 9A.52.030  
CLASS B – NONVIOLENT

OFFENDER SCORING RCW 9.94A.525(16)

*If the present conviction is for a felony domestic violence offense where domestic violence was plead and proven, use the General Burglary Second Degree or Residential Burglary Offense Where Domestic Violence Has Been Plead and Proven scoring form on page 269.*

**ADULT HISTORY:**

Enter number of Burglary 1 felony convictions ..... x 2 = \_\_\_\_\_  
 Enter number of Burglary 2 and Residential Burglary felony convictions ..... x 2 = \_\_\_\_\_  
 Enter number of felony convictions ..... x 1 = \_\_\_\_\_

**JUVENILE HISTORY:**

Enter number of Burglary 1 felony dispositions ..... x 2 = \_\_\_\_\_  
 Enter number of Burglary 2 and Residential Burglary felony dispositions ..... x 1 = \_\_\_\_\_  
 Enter number of serious violent and violent felony dispositions ..... x 1 = \_\_\_\_\_  
 Enter number of nonviolent felony dispositions ..... x ½ = \_\_\_\_\_

**OTHER CURRENT OFFENSES:**

*(Other current offenses that do not encompass the same conduct count in offender score)*

Enter number of other Burglary 1 felony convictions ..... x 2 = \_\_\_\_\_  
 Enter number of other Burglary 2 and Residential Burglary felony convictions ..... x 2 = \_\_\_\_\_  
 Enter number of other felony convictions ..... x 1 = \_\_\_\_\_

**STATUS:**

Was the offender on community custody on the date the current offense was committed? ..... + 1 = \_\_\_\_\_

Total the last column to get the **Offender Score** (Round down to the nearest whole number)

**SENTENCE RANGE**

Offender Score										
	0	1	2	3	4	5	6	7	8	9+
<b>LEVEL III</b>	2m 1 - 3	5m 3 - 8	8m 4 - 12	11m 9 - 12	14m 12+ - 16	19.5m 17 - 22	25.5m 22 - 29	38m 33 - 43	50m 43 - 57	59.5m 51 - 68

- ✓ For attempt, solicitation, conspiracy (RCW 9.94A.595) see page 93 or for gang-related felonies where the court found the offender involved a minor (RCW 9.94A.833) see page 252 for standard range adjustments.
- ✓ For deadly weapon enhancement, see page 256.
- ✓ For sentencing alternatives, see page 243.
- ✓ For community custody eligibility, see page 253.
- ✓ For any applicable enhancements other than deadly weapon enhancement, see page 249.

The Caseload Forecast Council is not liable for errors or omissions in the manual, for sentences that may be inappropriately calculated as a result of a practitioner's or court's reliance on the manual, or for any other written or verbal information related to adult or juvenile sentencing. The scoring sheets are intended to provide assistance in most cases but do not cover all permutations of the scoring rules. If you find any errors or omissions, we encourage you to report them to the Caseload Forecast Council.

# APPENDIX B

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JANELLE RIDDLE, CLERK

PJ

'15 NOV 18 P3:04

SUPERIOR COURT  
YAKIMA

SUPERIOR COURT OF WASHINGTON FOR YAKIMA COUNTY

STATE OF WASHINGTON  
 vs.  
 LEOPOLDO CUEVAS CARDENAS

Plaintiff,  
 Defendant.

SID NO.: WA12912355  
 Motor Vehicle Involved: No  
 D.L.#: CARDEL381QK; DOC: 919072;  
 DOB: 11/12/1962; SEX: Male; RACE: Hispanic

NO. 15-1-01291-1

FELONY JUDGMENT AND SENTENCE  
(FJS)

Prison  
 Clerk's Action Required: 4.D.8 (Payroll Deduction); 5.2 (NLVR); 5.3 (NTIPF)

I. HEARING

1.1 **Hearing:** A sentencing hearing was held November 18, 2015. Present were the defendant, JEFFERY B. SWAN, attorney for the defendant, and DAVID M. SOUKUP, Deputy Prosecuting Attorney.

1.2 **Allocution:** The defendant was given the right of allocution and asked if any legal cause existed why judgment should not be entered. There being no reason why judgment should not be pronounced, the Court makes the following findings and judgment.

II. FINDINGS

Based on testimony heard, statements by the defendant and/or victims, argument of counsel, any pre-sentence report, and case record to date, the court finds:

2.1 **Current Offense(s):** On October 27, 2015, the defendant was found guilty by a jury verdict of:

Count 1      **ATTEMPTED SECOND DEGREE BURGLARY**  
**RCW 9A.52.030(1) and 9A.28.020**  
 Date of Crime: August 24, 2015  
 Law Enforcement Incident No.: YSO #15C13603

2.2 **Special Findings:** The Court makes no special findings.

**2.3 Criminal History:** Prior criminal history used in calculating the offender score (RCW 9.94A.525):

Crime	Date of Sentence	Sentencing Court (County & State)	Date of Crime	Adult or Juvenile	Type of Crime
First Degree Robbery 98-1-02190-5	9-27-1999	Yakima, WA	12-6-1998*	Adult	V
First Degree Robbery 98-1-02190-5	9-27-1999	Yakima, WA	12-6-1998*	Adult	V
Second Degree Burglary 89-1-00385-0	1-12-1990	Benton, WA	5-16-1989	Adult	NV
Custodial Assault 90-1-00015-3	2-6-1990	Benton, WA	1-11-1990	Adult	NV
Second Degree Burglary 86-1-50132-0	10-7-1986	Franklin, WA	7-28-1986**	Adult	NV
Second Degree Burglary 86-1-50132-0	10-7-1986	Franklin, WA	7-28-1986**	Adult	NV
First Degree Theft (not FA) 86-1-50132-0	10-7-1986	Franklin, WA	7-28-1986***	Adult	NV
Second Degree Theft (not FA) 86-1-50132-0	10-7-1986	Franklin, WA	7-28-1986***	Adult	NV
First Degree PSP 86-1-50107-9	7-22-1986	Franklin, WA	6-20-1986	Adult	NV
Cont Sub – mfg/del/pos 89-1-00775-0	7-10-1989	Yakima, WA	5-7-1989****	Adult	Drugs
UPFA 89-1-00775-0	7-10-1989	Yakima, WA	5-7-1989****	Adult	NV
Second Degree Robbery 87-1-01598-5	2-11-1988	Yakima, WA	12-2-1987	Adult	V
Second Degree Burglary 86-1-00226-5	4-11-1986	Yakima, WA	1-19-1986	Adult	NV
88-1-00724-7 <i>Will not Equal Return - Work Release</i>	7-22-1988	Yakima, WA	6-9-1988	Adult	NV

The Court finds the above-listed concurrent prior convictions (indicated by \*, \*\*, \*\*\* and \*\*\*\*) are not the same criminal conduct under RCW 9.94A.525(5)(a)(i), and shall count separately.

**2.4 Other Current Convictions** under other cause number(s) used to determine offender score:

Crime	Cause Number	Court (County and State)
None		

**2.5 Sentencing Data:** The following is the defendant's standard range for each crime pursuant to RCW 9.94A.510:

Count	Offender Score	Seriousness Level	Standard Range	Enhancements*	Enhanced Range	Maximum Term
1	9+	III	38.25-51 mos			10 yrs

**2.6 Exceptional Sentence:** Substantial and compelling reasons do not exist which justify an exceptional sentence.

**2.7 Financial Ability:** The Court has considered the total amount owing, the defendant's past, present, and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant is an adult and is not disabled and therefore has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 10.01.160.

The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

---

### III. JUDGMENT

**3.1 Guilty:** IT IS ADJUDGED that the defendant is guilty of the counts and charges listed in paragraph 2.1.

### IV. SENTENCE AND ORDER

IT IS ORDERED that the defendant serve the sentence and abide by the conditions set forth below.

#### A. CONFINEMENT

**4.A.1 Confinement:** The defendant is sentenced to the following term of confinement:

51 Months on Count 1

**Credit for Time Served in the Yakima County Jail:** The defendant shall be given credit for 730 days served on this charge only. The defendant shall be given credit for good behavior as administered and computed by the Yakima County Department of Corrections.

**Credit for Time in Other Jail:** The defendant shall receive \_\_\_\_\_ days credit for time served on this case  in jail or prison \_\_\_\_\_;  in transport from \_\_\_\_\_;  in other \_\_\_\_\_

**4.A.2 Concurrent or Consecutive:**

**Consecutive With Other Sentences:** Unless otherwise specified here, this sentence shall be consecutive with prior sentences.

**4.A.3 Means of Confinement:** The defendant shall serve this sentence as follows:

**Total Confinement:** The defendant shall serve the balance of confinement in a prison operated by the Washington State Department of Corrections because the term of confinement is over one year.

#### B. SUPERVISION BY THE DEPARTMENT OF CORRECTIONS

**4.B.1 No Community Custody or Probation:** The defendant, by virtue of the offense committed, is not subject to community custody or probation.

#### C. SENTENCE CONDITIONS

**4.C.1 DNA Testing:** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. If you are out of custody at the time of sentencing, you will immediately report to the front desk of the Yakima County Jail for the taking of a DNA sample. RCW 43.43.754.

**4.C.2 No Conditions:** Because there is no supervision ordered, the defendant must only complete any incarceration ordered and pay all financial obligations.

**D. FINANCIAL OBLIGATIONS**

**4.D.1 Financial:** The defendant shall pay financial obligations and abide by the conditions as set forth below. The defendant shall be under the jurisdiction and supervision of this Court for purposes of payment of financial obligations ordered until they are paid. The defendant shall report to the Yakima County Clerk, Yakima County Courthouse, Room 323, 128 North Second Street, Yakima, WA, within 24 hours of this order or release from incarceration, whichever is later. The defendant must notify the Yakima County Clerk's Office of changes in address or employment. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule. RCW 9.94A.760(7)(b).

**4.D.2 Jurisdiction:** All legal financial obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The clerk of the court is authorized to collect unpaid financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her financial obligations. RCW 9.94A.753(4) and RCW 9.94A.760(4).

**4.D.3 Restitution, Costs, Assessments, and Fine:** Defendant shall pay the following to the Yakima County Superior Court Clerk, Room 323, Yakima County Courthouse, Yakima, WA 98901:

RTN	\$	<del>260.00</del>	Restitution distributed to: <u>MEANING TO BE HELD - POSSIBLE MODIFIED TO MR. CASPULO</u> subject to modification. Restitution shall be joint and several with any codefendant.
PCV	\$	<del>500.00</del>	Crime Penalty Assessment – felony or gross misd. (RCW 7.68.035)
FRC	\$	<del>200.00</del>	Criminal filing fee
PUB	\$	<del>600.00</del>	Court appointed attorney recoupment (RCW 9.94A.760)
DNA	\$	100.00	DNA collection fee (any felony committed after 7/1/02) (RCW 43.43.7541)
JFR	\$	<del>250.00</del>	Jury fee
	\$	<u>1,910.00</u>	<b>TOTAL</b>
		<u>101.00</u>	

~~**4.D.4 Costs of Incarceration:** In addition to the above costs, the court finds that the defendant has the means to pay for the costs of incarceration, in prison at a rate of \$50.00 per day of incarceration or in the Yakima County Jail at the actual rate of incarceration but not to exceed \$100.00 per day of incarceration (the rate in 2015 is up to \$87.95 per day), and orders the defendant to pay such costs at the statutory rate as assessed by the Clerk. Such costs are payable only after restitution costs, assessments and fines listed above are paid. RCW 9.94A.760(2).~~

**4.D.5 Costs of Medical Care:** In addition to the above costs, the court finds that the defendant has the means to pay for any costs of medical care incurred by Yakima County on behalf of the defendant, and orders the defendant to pay such medical costs as assessed by the Clerk. Such costs are payable only after restitution costs, assessments and fines listed above are paid. RCW 70.48.130.

**4.D.6  Forfeiture of Funds:** The financial obligations ordered above, in part or in full, shall be paid from defendant's funds held by \_\_\_\_\_ who is ordered to pay such funds to the Clerk of the above Court. Any balance shall be paid by the defendant.

**4.D.7 Payments:** Unless provided above, the Yakima County Clerk shall, after investigation, set a minimum monthly payment for the defendant to pay towards the financial obligations. The Clerk may modify the monthly payment amount. Payments shall first apply to any restitution. Costs and assessments shall be paid in 180 days after restitution is paid in full/release. All other fees shall be paid in 270 days after restitution is paid in full/release. The defendant shall pay financial obligations to the Clerk of the Court, Room 323, Yakima County Courthouse, Yakima, Washington.



**4.D.8 Payroll Deduction:** Without further notice, the Yakima County Clerk may issue a Notice of Payroll Deduction at any time until all financial obligations are paid. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

**4.D.9 Interest, Judgment, and Collection:** The financial obligations listed herein shall bear interest from the date hereof until paid in full at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total financial obligations. RCW 10.73.160. The financial obligations listed above may be enforced in the same manner as a civil judgment. The defendant shall pay the costs of services to collect unpaid legal financial obligations.

**4.D.10 Petition For Remission:** The defendant, if not in willful default on financial obligations due hereunder, may at any time petition the court for remission of all or part of the financial obligations due, except restitution or interest on restitution, or to modify the method of payment under RCW 10.01.160 through RCW 10.01.180 and RCW 10.73. Non-restitution interest may be waived only after the defendant has either (a) paid the principal amount in full or (b) made at least fifteen monthly payments within an eighteen-month period, as set by the Clerk, and further payment of interest will cause a significant hardship. RCW 10.82.090.

## V. NOTICES

The defendant, by signing below, acknowledges each of the statements in this section.

**5.1 Collateral Attack:** The defendant may not file a petition or motion for collateral attack on a judgment and sentence in a criminal case more than one year after the judgment becomes final if the judgment and sentence is valid on its face and was rendered by a court of competent jurisdiction. For purposes of this section, "collateral attack" means any form of post-conviction relief other than a direct appeal. "Collateral attack" includes, but is not limited to, a personal restraint petition, a habeas corpus petition, a motion to vacate judgment, a motion to withdraw a guilty plea, a motion for a new trial, and a motion to arrest judgment under RCW 10.73.090 and RCW 10.73.100.

**5.2 Loss of Voting Rights:** The defendant understands and acknowledges that:

1. The defendant's right to vote is lost because of this felony conviction.
2. If the defendant is registered to vote, his or her registration will be canceled.
3. The defendant's right to vote is provisionally restored as long as the defendant is not under the authority of the department of corrections.
4. The defendant must reregister before voting.
5. The provisional right to vote may be revoked if the defendant fails to comply with all the terms of his or her legal financial obligations or an agreement for the payment of legal financial obligations.
6. The defendant's right to vote may be permanently restored by one of the following for each felony conviction:
  - a. A certificate of discharge issued by the Yakima County Superior Court, as provided in RCW 9.94A.637; or
  - b. A court order issued by the Yakima County Superior Court restoring the defendant's right to vote, as provided in RCW 9.92.066; or
  - c. A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or
  - d. A certificate of restoration issued by the governor, as provided in RCW 9.96.020.
7. Voting before the right to vote is restored is a class C felony under RCW 29A.84.660.

**5.3 Firearms:** The defendant understands that he or she must immediately surrender any concealed pistol license and may not own, use, or possess any firearm unless the right to do so is restored by a court of record. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.



**VII. WARRANT OF CONFINEMENT**

THE STATE OF WASHINGTON

TO: The Yakima County Sheriff  
TO: The Yakima County Department of Corrections  
TO: The Washington State Department of Corrections

The defendant has been convicted in the Superior Court of the State of Washington of the crime of:

**COUNT 1 - ATTEMPTED SECOND DEGREE BURGLARY**

and the court has ordered that the defendant be punished as set out in the attached Judgment and Sentence.

YOU ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

DATED: November 18, 2015

By the Direction of the Honorable

**BLAINE GIBSON**

JUDGE

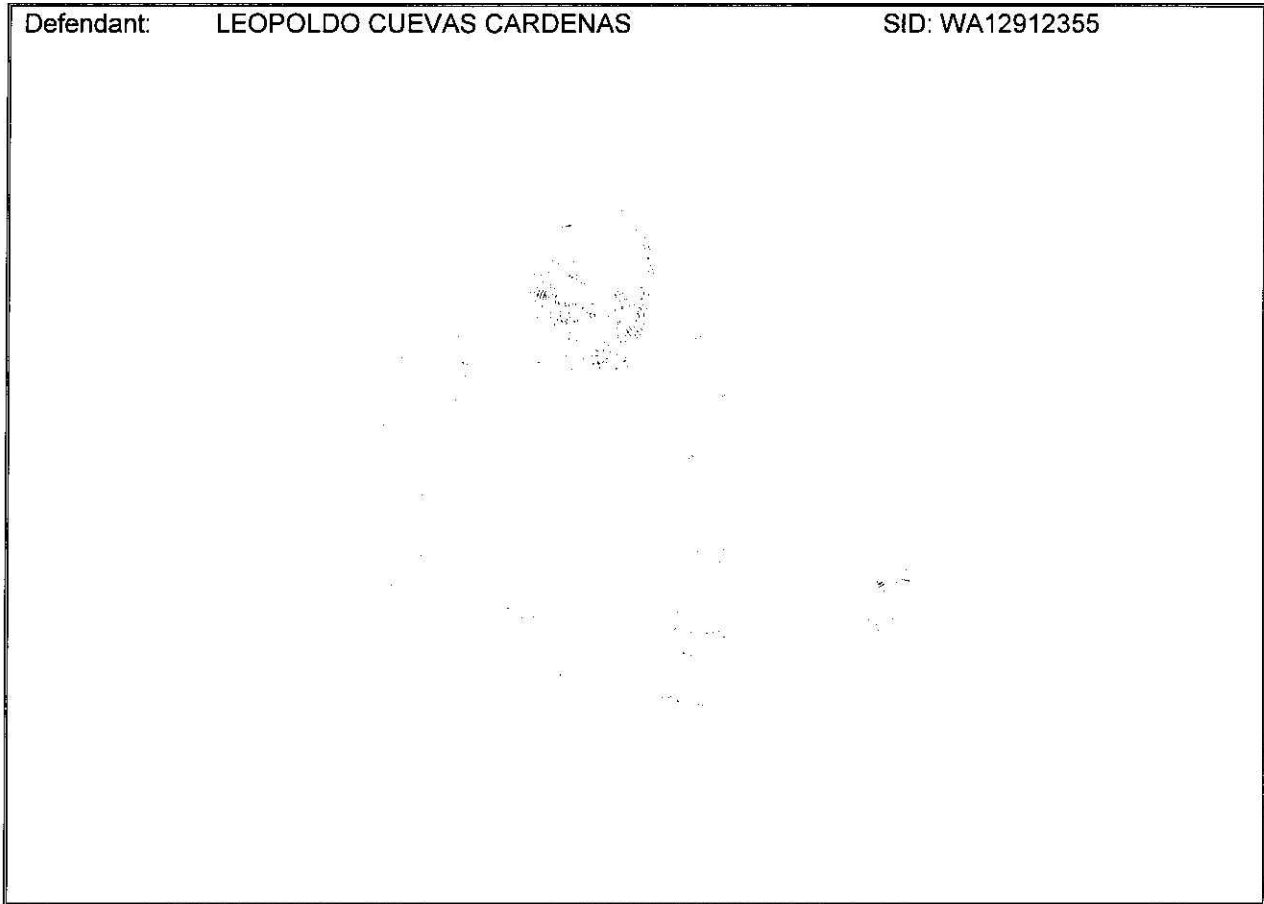
JANELLE RIDDLE, Clerk

By: Mark P. Perla  
Deputy Clerk



Defendant: LEOPOLDO CUEVAS CARDENAS

SID: WA12912355



FINGERPRINT CERTIFICATE OF ATTESTATION

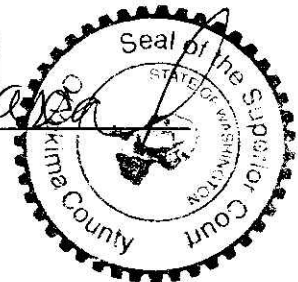
STATE OF WASHINGTON     )  
   )  
 County of Yakima         )         ss.

I, JANELLE RIDDLE, Yakima County Clerk and ex-officio Clerk of the Superior Court, hereby attest that the fingerprints appearing on this certificate are the fingerprints of the above-named defendant, and were affixed in open court on November 18, 2015.

DATED: November 18, 2015

JANELLE RIDDLE, Clerk

By: Mark Pasa  
 Deputy Clerk



Address of Defendant:

\_\_\_\_\_

\_\_\_\_\_

DECLARATION OF SERVICE

I, David B. Trefry, state that on January 23, 2018, I mailed a copy  
of the State's Answer to:

Leopoldo Cuevas Cardenas DOC#919072  
Washington State Penitentiary  
1313 North 13th Avenue  
Walla Walla, WA 99362

I certify under penalty of perjury under the laws of the state of  
Washington that the foregoing is true and correct.

DATED this 23<sup>rd</sup> day of January, 2018 at Spokane, Washington.

s/ David B. Trefry  
DAVID B. TREFRY, WSBA #16050  
Senior Deputy Prosecuting Attorney  
Yakima County, Washington  
P.O. Box 4846, Spokane WA 99220

**YAKIMA COUNTY PROSECUTORS OFFICE**

**January 23, 2018 - 11:19 AM**

**Transmittal Information**

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**Appellate Court Case Number:** 95380-5  
**Appellate Court Case Title:** State of Washington v. Leopoldo Cuevas Cardenas

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