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Supreme Court No. 97915-4  
COA No. 78761-6-I

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON,

Respondent,

v.

MICHAEL ANTHONY WADE, JR.,

Petitioner.

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PETITION FOR REVIEW

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A. IDENTITY OF PETITIONER/DECISION BELOW

Michael Anthony Wade requests this Court grant review pursuant to RAP 13.4 of the unpublished decision of the Court of Appeals in State v. Wade, No. 78761-6-I, filed on November 4, 2019. A copy of the Court of Appeals' opinion is attached as an appendix.

B. ISSUE PRESENTED FOR REVIEW

The sentencing statute requires that offenses encompass the "same criminal conduct" and are treated as a single offense at sentencing if they involve the same victim and are committed at the same time and place with the same objective criminal intent. Here, the Court of Appeals held the statute contains an exception for certain firearm-related offenses, which are to be treated as separate crimes with sentences that run consecutively. Is the Court of Appeals' reading of the statute an issue of substantial public interest that should be decided by this Court? RAP 13.4(b)(4).

C. STATEMENT OF THE CASE

Three residences in King County were burglarized and six firearms belonging to Carl Reek were stolen from his residence. CP 28-34. Wade was charged with three counts of residential burglary, six counts of theft of a firearm, one count of second degree theft, one count

of trafficking in stolen property, and one count of first degree unlawful possession of a firearm. CP 28-34. A judge found Wade guilty of all counts. CP 35-41.

The court imposed low-end standard range sentences for all counts but ordered the terms on the six counts of theft of a firearm, and the one count of unlawful possession of a firearm, to be served consecutively to each other and concurrently with the other counts. CP 36-38. The total sentence was 549 months, or 45.75 years. CP 38.

Wade appealed, arguing the trial court erred in failing to treat his six convictions for theft of a firearm as the same criminal conduct when calculating the standard sentence range. CP 66-67. The Court of Appeals affirmed, holding Wade waived the issue by failing to raise it at sentencing. CP 47-67. Wade then filed a personal restraint petition, arguing his trial attorney was ineffective both for failing to argue his theft of a firearm convictions encompassed the same criminal conduct, and for not requesting an exceptional sentence below the standard range. CP 69-72. The State conceded the second argument and the Court of Appeals agreed, remanding for resentencing. CP 71. Relying on State v. McFarland, 189 Wn.2d 47, 399 P.3d 1106 (2017), the court

held the trial court had discretion to impose an exceptional mitigated sentence by running the firearm-related sentences concurrently. CP 71.

At resentencing, Wade again argued his six convictions for theft of a firearm encompassed the same criminal conduct, resulting in a standard range of 164 to 218 months. CP 102-05; RP 21-23. In the alternative, he argued the court should impose an exceptional sentence downward based on the mitigating factor that the multiple offense policy of the Sentencing Reform Act resulted in a sentence that was clearly excessive. CP 106-08; RCW 9.94A.535(1)(g). Wade requested an exceptional sentence of 164 months. CP 106-08.

The State argued the court did not have authority to treat the six counts of theft of a firearm as the same criminal conduct, relying on RCW 9.94A.589(1)(c).<sup>1</sup> CP 121-27. The trial court agreed, believing it had no statutory authority to treat the six convictions for theft of a

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<sup>1</sup> RCW 9.94A.589(1)(c) provides:

If an offender is convicted under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, the standard sentence range for each of these current offenses shall be determined by using all other current and prior convictions, except other current convictions for the felony crimes listed in this subsection (1)(c), as if they were prior convictions. The offender shall serve consecutive sentences for each

firearm as the same criminal conduct. CP 192; RP 37-38. The court found the presumptive sentence required consecutive sentences for the six convictions for theft of a firearm and the one conviction for unlawful possession of a firearm. CP 192, 199. The court concluded the standard range was 549 to 728 months. CP 199.

But the court agreed to impose an exceptional sentence downward, finding the presumptive sentence was clearly excessive. CP 192, 199; RP 38. The court imposed low-end standard-range sentences of 63 months for the three counts of residential burglary, 77 months for the six counts of theft of a firearm, 22 months for the second degree theft, 63 months for the trafficking in stolen property, and 87 months for the unlawful possession of a firearm. CP 194. The court ordered the terms for two of the counts of theft of a firearm and the one count of unlawful possession of a firearm to be served consecutively to each other and concurrent to the other counts. CP 194. The total sentence the court imposed was 241 months, or around 20 years. CP 194.

Wade appealed. The Court of Appeals affirmed.

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conviction of the felony crimes listed in this subsection (1)(c), and for each firearm unlawfully possessed.

D. ARGUMENT WHY REVIEW SHOULD BE GRANTED

**The Court of Appeals erred in concluding the sentencing statute required the trial court to treat the six convictions for theft of a firearm as separate crimes at sentencing and to impose consecutive sentences for those convictions.**

The trial court's interpretation and application of the sentencing statute is erroneous. Contrary to the court's conclusion, the court had statutory authority to treat Wade's six convictions for theft of a firearm as the same criminal conduct. The crimes occurred at the same time and place, with the same objective criminal intent, and involved the same victim. Therefore, they encompassed the same criminal conduct and should have been treated as "one crime" at sentencing. Because they were "one crime," only one sentence was authorized. The court did not have authority to impose multiple, consecutive sentences for those convictions.

1. The court's sentencing authority derived from the Sentencing Reform Act.

A trial court may impose a sentence only as authorized by statute. In re Pers. Restraint of Carle, 93 Wn.2d 31, 33, 604 P.2d 1293 (1980). When a person is convicted of a felony, the court's sentencing authority derives from the Sentencing Reform Act. RCW 9.94A.505(1).



In interpreting provisions of the Sentencing Reform Act, the Court's objective is to determine the Legislature's intent. State v. Jacobs, 154 Wn.2d 596, 600, 115 P.3d 281 (2005). "The surest indication of legislative intent is the language enacted by the legislature, so if the meaning of a statute is plain on its face," the Court "give[s] effect to that plain meaning." State v. Ervin, 169 Wn.2d 815, 820, 239 P.3d 354 (2010) (quoting Dep't of Ecology v. Campbell & Gwinn, LLC, 146 Wn.2d 1, 9, 43 P.3d 4 (2002)). In deciding the plain meaning of a provision, the Court looks to the text of the statutory provision in question, as well as "the context of the statute in which that provision is found, related provisions, and the statutory scheme as a whole." Campbell & Gwinn, 146 Wn.2d at 9. An undefined term is "given its plain and ordinary meaning unless a contrary legislative intent is indicated." Ervin, 169 Wn.2d at 820 (quotation marks and citation omitted).

Because the Sentencing Reform Act is a penal statute, this Court must construe it strictly and may not extend it by construction to situations the Legislature did not clearly intend. Blanchard Co. v. Ward, 124 Wash. 204, 207, 213 P. 929 (1923). If the statute is ambiguous, under the rule of lenity, this Court must adopt the

interpretation that favors the defendant. Jacobs, 154 Wn.2d at 601. A statute is ambiguous if it is susceptible to two or more reasonable interpretations. Campbell & Gwinn, 146 Wn.2d at 12.

Questions of statutory interpretation are reviewed *de novo*. State v. Dreewes, 192 Wn.2d 812, 820, 432 P.3d 795 (2019).

2. The statute authorized the court to find Wade's six convictions for theft of a firearm encompassed the same criminal conduct, and to treat those convictions as a single crime at sentencing.

When a person is convicted of multiple current offenses, the provisions of RCW 9.94A.589 govern sentencing. Generally, the court determines the sentence range for each current offense by "using all other current and prior convictions as if they were prior convictions for the purpose of the offender score." RCW 9.94A.589(1)(a). The sentences for all current offenses "shall be served concurrently." Id. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.535. Id.

An exception exists where the person is convicted of certain firearm-related offenses. In such a case, each firearm-related conviction is not included in the offender score for the other firearm-related convictions, but the sentences for each such conviction are to be served consecutively. RCW 9.94A.589(1)(c) provides:

If an offender is convicted under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, the standard sentence range for each of these current offenses shall be determined by using all other current and prior convictions, except other current convictions for the felony crimes listed in this subsection (1)(c), as if they were prior convictions. The offender shall serve consecutive sentences for each conviction of the felony crimes listed in this subsection (1)(c), and for each firearm unlawfully possessed.

Thus, if a person is convicted of both theft of a firearm and unlawful possession of a firearm, the convictions for each of those offenses is not included in the offender scores for the others and the sentences for all of the offenses are to be served consecutively. Id.

But the statute provides an exception to all of the above rules for multiple current convictions that encompass the “same criminal conduct.” RCW 9.94A.589(1)(a). Convictions that encompass the same criminal conduct “shall be counted as one crime” for purposes of sentencing. Id.

Multiple crimes encompass the same criminal conduct if they require the same criminal intent, are committed at the same time and place, and involve the same victim. RCW 9.94A.589(1)(a); State v. Graciano, 176 Wn.2d 531, 540, 295 P.3d 219 (2013).

Here, Wade's six convictions for theft of a firearm encompass the same criminal conduct. All of the stolen firearms belonged to Carl Reek and were taken on the same date from his residence. CP 28-34. And the offenses were committed with the same objective criminal intent—to deprive the owner of his property. State v. Tresenriter, 101 Wn. App. 486, 497, 4 P.3d 145 (2000). In Tresenriter, the court held Tresenriter's 10 convictions for theft of a firearm encompassed the same criminal conduct, where the firearms were all taken at the same time during a burglary of the owner's home. Id.

As in Tresenriter, Wade's six convictions for theft of a firearm encompass the same criminal conduct. The firearms were all taken at the same time during a burglary of the owner's home. The trial court should have counted them as "one crime" when calculating his offender score and determining his standard sentence range. RCW 9.94A.589(1)(a). The court misapplied the law when it counted these convictions as separate crimes and concluded the presumptive range required imposing multiple, separate, consecutive sentences for each conviction.

3. The court erred in concluding Wade's presumptive sentence required separate, consecutive sentences for the theft of a firearm convictions.

The court concluded it must apply RCW 9.94A.589(1)(c) in determining Wade's presumptive sentence range. RP 37-38. The court believed the statute required it to treat each conviction for theft of a firearm as a separate crime even if they encompassed the same criminal conduct. RP 37-38. The court misconstrued the statute.

The plain language of the statute demonstrates the Legislature intended that crimes encompassing the same criminal conduct are to be treated as a single crime at sentencing, regardless of whether the convictions are for firearm-related offenses. RCW 9.94A.589(1)(a) provides:

Except as provided in (b), (c), or (d) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offense shall be counted as one crime. . . .

The exception set forth in subsection (c), mentioned in the first sentence of the above provision, applies to firearm-related offenses. See RCW 9.94A.589(1)(c).

According to the plain language of RCW 9.94A.589(1)(a), when the court calculates the standard range for each current offense, it counts every other current offense separately in the offender score. The sentences for all of the offenses must be served concurrently. Id. An exception applies to certain offenses, including firearm-related offenses as provided in subsection (c). For those offenses, each conviction is not included in the offender score of the others, but the sentences must be served consecutively. RCW 9.94A.589(1)(c).

Thus, the general rule for both firearm-related offenses and other kinds of offenses, is that other current offenses are treated as multiple, separate offenses when calculating the offender score and determining the presumptive sentence range. Sometimes other current offenses are included in the offender score and sometimes they are not. Sometimes the sentences are to be served concurrently and sometimes consecutively. But in each situation, current convictions are treated as separate crimes.

This general rule is subject to the exception provided in the next clause of the statute, which pertains to convictions encompassing the same criminal conduct. RCW 9.94A.589(1)(a). The same criminal conduct rule is preceded by the word “PROVIDED” in caps:

“PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses *shall be counted as one crime.*” Id. (emphasis added).

“Provided” means “on condition that : with the understanding : if only.” Webster’s Third New International Dictionary 1827 (1993).

Thus, the rule requiring all multiple current offenses to be treated as separate crimes—regardless of whether they are for firearm-related offenses—applies only if the multiple convictions do not encompass the same criminal conduct. If they do encompass the same criminal conduct, then they “shall be counted as one crime.” RCW 9.94A.589(1)(a). They “shall be counted as one crime” for purposes of determining the offender score and the standard sentence range. Id.

Logically, a court cannot impose multiple sentences for multiple offenses that are considered to be only one crime. Therefore, a court cannot impose consecutive sentences for multiple offenses that encompass the same criminal conduct. In other words, multiple firearm-related offenses that encompass the same criminal conduct do not fall under the consecutive sentence provision of RCW 9.94A.589(1)(c).

This interpretation of the statute is consistent with the Court of Appeals' prior decisions addressing provisions of the Hard Time for Armed Crime Act.

In State v. Murphy, Murphy was convicted of multiple counts of both theft of a firearm and unlawful possession of a firearm. State v. Murphy, 98 Wn. App. 42, 44, 988 P.2d 42 (1999). The court addressed the application of RCW 9.41.040(6), which provides:

Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

This provision was enacted as part of the Hard Time for Armed Crime Act. LAWS OF 1995, ch. 129, § 16; Murphy, 98 Wn. App. at 48.

Murphy held this and other provisions of “the HTACA did not override the SRA for calculation of offender scores.” Murphy, 98 Wn. App. at 51. And “*sentencing* is still controlled by the SRA.” Id. (emphasis in Murphy). Therefore, the trial court did not err in using the Sentencing Reform Act’s “same criminal conduct” provision to calculate Murphy’s offender score. Id.



Similarly, in State v. McReynolds, Division Three held that RCW 9.41.040(6) does not override the Sentencing Reform Act's same criminal conduct rules. State v. McReynolds, 104 Wn. App. 560, 582, 17 P.3d 608 (2000). That is, this provision "does not preclude a finding that the convictions are the same criminal conduct for purposes of determining the offender score pursuant to [former] RCW 9.94A.400(1)(a) [now RCW 9.94A.589(1)(a)]." McReynolds, 104 Wn. App. at 582.

Thus, notwithstanding the provisions of the Hard Time for Armed Crime Act, multiple firearm-related offenses are still subject to the same criminal conduct rule set forth in RCW 9.94A.589(1)(a). If multiple current firearm-related offenses encompass the same criminal conduct, they must be "counted as one crime." RCW 9.94A.589(1)(a). A court may not impose multiple sentences for a single crime. Therefore, consecutive sentences for firearm-related offenses are authorized under RCW 9.94A.589(1)(c) only if the offenses do not encompass the same criminal conduct.

4. The court miscalculated Wade's presumptive sentence range; he must be resentenced.

Wade was convicted of six counts of theft of a firearm. CP 190-92. As discussed above, those offenses encompassed the same criminal

conduct and “counted as one crime” in the offender score and the presumptive sentence. RCW 9.94A.589(1)(a). Wade was also convicted of one count of unlawful possession of a firearm. CP 191. Under RCW 9.94A.589(1)(c), Wade’s presumptive sentence included a single sentence for the theft of a firearm counts that was to be served consecutively to the sentence for the unlawful possession of a firearm count.

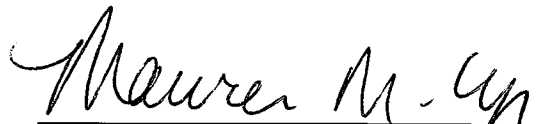
The court misapplied the Sentencing Reform Act when it mistakenly concluded Wade’s presumptive sentence required separate, consecutive sentences for all six counts of theft of a firearm. The court mistakenly concluded his presumptive range was 549 to 728 months. CP 199. But in fact the presumptive range was much lower. According to the defense below, the standard range was 164 to 218 months, lower than the 241-month exceptional sentence Wade received. CP 105, 194.

A court commits reversible error when it exceeds its sentencing authority under the Sentencing Reform Act. State v. Winborne, 167 Wn. App. 320, 330, 273 P.3d 454 (2012). The appropriate remedy is to remand for resentencing. Id. Wade must be resentenced.

E. CONCLUSION

For the reasons provided, this Court should grant review, reverse the Court of Appeals, and remand for resentencing.

Respectfully submitted this 2nd day of December, 2019.

A handwritten signature in cursive script that reads "Maureen M. Cyr".

MAUREEN M. CYR (WSBA 28724)  
Washington Appellate Project - 91052  
Attorneys for Appellant

# **APPENDIX**

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

THE STATE OF WASHINGTON,	)	No. 78761-6-1
	)	
Respondent,	)	DIVISION ONE
	)	
v.	)	UNPUBLISHED OPINION
	)	
MICHAEL ANTHONY WADE, JR.,	)	
	)	
Appellant.	)	
<hr/>		FILED: November 4, 2019

HAZELRIGG-HERNANDEZ, J. — Michael Anthony Wade, Jr. seeks remand for resentencing, alleging that the superior court erred in determining that RCW 9.94A.589(1)(c) governed the calculation of his offender score and therefore the same criminal conduct analysis in subsection (1)(a) was inapplicable. Because the plain language of the statute supports the superior court's interpretation, we affirm.

FACTS

Michael A. Wade, Jr. (Wade) and three co-defendants were charged with crimes related to three burglaries that took place on October 9, 2012. The charges against Wade included six counts of theft of a firearm and one count of unlawful possession of a firearm in the first degree. Following a bench trial, he was found guilty on all counts. The court imposed low-end standard range sentences on all

counts but ordered that the sentences for each of the firearm-related convictions run consecutively for a total of 549 months confinement.

On appeal, Wade argued for the first time that the trial court erred in failing to treat his six theft of a firearm convictions as the same criminal conduct for purposes of calculating his offender score. We found that Wade had waived this argument by failing to raise it at sentencing and affirmed.

Wade then filed a personal restraint petition arguing that his trial counsel was ineffective for failing to argue the same criminal conduct issue and failing to request an exceptional sentence below the standard range. The State conceded that Wade was entitled to resentencing under State v. McFarland, 189 Wn.2d 47, 399 P.3d 1106 (2017), because the trial court clearly expressed on the record that it did not believe it had discretion to depart from the standard sentencing range. We accepted the concession and remanded for resentencing. The State also argued that the trial court erred in failing to impose a sentence for count 10 under the rationale that counts 3 and 10 constituted the same criminal conduct. We agreed with the State and directed the court to impose a sentence for count 10 on remand.

At resentencing, Wade argued that the six theft of a firearm convictions encompassed the same criminal conduct or, in the alternative, that the court should impose an exceptional downward sentence because the presumptive sentence was clearly excessive. The State argued that the analysis for same criminal conduct laid out in RCW 9.94A.589(1)(a) was inapplicable because the firearm offenses fell under the sentencing scheme in RCW 9.94A.589(1)(c). However, the

State agreed that a downward departure from the standard sentence was warranted.

In its oral ruling, the court explained that it agreed with the State's interpretation of RCW 9.94A.589:

"[Wade's argument] is that this conduct constitutes same criminal conduct and therefore, it should be under the first section of the statute 9.9A.589(1)(a) and should be sentenced concurrently.

I disagree with that analysis, because as I indicated in my questioning, there's a specific statute under Subsection 1(c) which states without any ambiguity that the offender shall serve consecutive sentences for each conviction of the felony crime listed in Subsection 1(c) and for which firearm is unlawfully possessed. The legislature is presumed to know what they're doing, and my job is to interpret and follow the law. I do not believe that that statute is ambiguous at all."

The resentencing court imposed low-end standard sentences for all of the convictions but ruled that some of the sentences would run concurrently, rather than consecutively, for a total of 241 months confinement. The written findings of fact and conclusions of law reflected the court's finding that the presumptive range was clearly excessive, which justified the imposition of an exceptional sentence below the standard range.

#### DISCUSSION

Wade contends that the resentencing court erred in concluding that the same criminal conduct analysis was inapplicable and in failing to treat his six convictions for theft of a firearm as one crime for purposes of sentencing. The State argues that the court properly interpreted RCW 9.94A.589 when it applied subsection (1)(c), rather than subsection (1)(a), to Wade's offender score calculation.

When interpreting the provisions of a statute, our objective is to ascertain and carry out the legislature's intent in enacting the statute. Dep't of Ecology v. Campbell & Gwinn, L.L.C., 146 Wn.2d 1, 9, 43 P.3d 4 (2002). If the meaning of a statute is plain on its face, we will "give effect to that plain meaning as an expression of legislative intent." Id. at 9–10. To determine the plain meaning of a statute, we consider "the text of the provision in question, the context of the statute in which the provision is found, related provisions, amendments to the provision, and the statutory scheme as a whole." Columbia Riverkeeper v. Port of Vancouver USA, 188 Wn.2d 421, 432, 395 P.3d 1031 (2017). We review the interpretation of a statute de novo as a question of law. State v. Dreewes, 192 Wn.2d 812, 819, 432 P.3d 795 (2019).

Generally, when a person is convicted of multiple current offenses, the sentencing court will calculate the appropriate offender score by "using all other current and prior convictions as if they were prior convictions for the purpose of the offender score." RCW 9.94A.589(1)(a). If the court determines that two or more of the current offenses encompass the same criminal conduct, the convictions will be counted as one crime for the purpose of the offender score calculation. Id. Sentences under this general rule presumptively run concurrently. Id.

The statute provides an exception to the general rule for certain firearm-related offenses. RCW 9.94A.589(1)(a), (c). This exception applies when a person is convicted of unlawful possession of a firearm as well as felony theft of a firearm and/or possession of a stolen firearm. RCW 9.94A.589(1)(c). In this instance, the standard sentence range for each of those current offenses is determined using



the general method for multiple current offenses, except that the other current firearm offenses are not treated as prior convictions. Id. The sentences for each of the firearm offenses run consecutively. Id.

Wade contends that the "same criminal conduct" provision is an exception to each of the subsections of RCW 9.94A.589(1), including the subsection concerning the firearm-related offenses. The structure of the statute does not support this interpretation. Subsection (1)(a) begins:

Except as provided in (b), (c), or (d) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, [t]hat if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime.

RCW 9.94A.589(1)(a). Subsection (1)(a) details the general rule, which includes the same criminal conduct provision. Subsection (1)(c), governing certain firearm-related offenses, is an exception to that general rule in its entirety.

Wade also argues that the phrasing of the same criminal conduct provision precludes a trial court from imposing multiple sentences for multiple convictions encompassing the same criminal conduct because they are considered to be "one crime." This is not an accurate reading of the statute. Convictions stemming from the same criminal conduct are "counted as one crime" only for the purpose of determining the offender score. Although the sentences for these crimes presumptively run concurrently, separate sentences are imposed for each conviction. We made this clear in our decision on Wade's personal restraint petition when we remanded for imposition of a sentence on count 10, even though

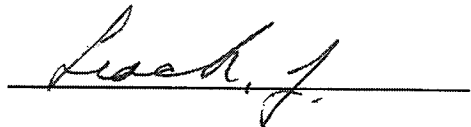
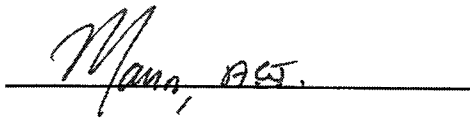
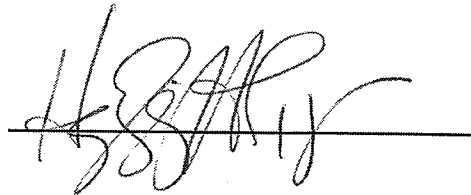
No. 78761-6-1/6

the trial court had found count 10 to encompass the same criminal conduct as count 3. In re Pers. Restraint of Wade, No. 76257-5-1, slip op. at 4 (Wash. Ct. App. Feb. 20, 2018) (unpublished), <http://www.courts.wa.gov/opinions/pdf/762575.pdf> (“The State notes, correctly, that a determination that two crimes constitute the same criminal conduct affects only scoring of the offenses, but does not preclude imposition of a sentence.”).

The resentencing court did not err in concluding that the exception for firearm-related offenses to the general rule governing offender score calculation applied in this case and that the same criminal conduct analysis was inapplicable. The statute is not ambiguous in this regard, and its plain language supports the superior court’s interpretation.

Affirmed.

WE CONCUR:



## DECLARATION OF FILING AND MAILING OR DELIVERY

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original document **Petition for Review to the Supreme Court** to which this declaration is affixed/attached, was filed in the **Court of Appeals** under **Case No. 78761-6-I**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to the following attorney(s) or party/parties of record at their regular office or residence address as listed on ACORDS:

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Date: December 2, 2019

# WASHINGTON APPELLATE PROJECT

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**Note: The Filing Id is 20191202165222D1054750**