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SUPREME COURT  
STATE OF WASHINGTON  
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BY SUSAN L. CARLSON  
CLERK

No. 98552-9  
36845-9-III

IN THE SUPREME COURT OF THE STATE OF  
WASHINGTON

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STATE OF WASHINGTON,

Respondent,

vs.

Mr. Shawn Alan Stahlman,

Petitioner.

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Respondent's Answer to Petitioner's Motion for  
Discretionary Review

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## TABLE OF CONTENTS

I. IDENTITY OF THE RESPONDENT .....	1
II. COURT OF APPEALS DECISION .....	1
III. ISSUE.....	1
IV. STATEMENT OF THE CASE .....	2
V. ARGUMENT .....	5
VI. CONCLUSION.....	6

## TABLE OF AUTHORITIES

### Cases

<i>State v. Dove</i> , 196 Wn.App. 148, 381 P.2d 1280 (2016).....	5
<i>State v. Hardesty</i> , 129 Wn.2d 303, 915 P.2d 1080 (1996).....	5
<i>State v. Johnson</i> , 180 Wn.App. 318, 327 P.3d 704 (2014) .....	5
<i>State v. Ramirez</i> , 191 Wn.2d 732, 426 P.3d 714 (2018).....	6
<i>State v. Shawn Alan Stahlman</i> , No. 36845-9-III, 2020 Wash.App. LEXIS 476 (Wn.Ct.App. filed February 27, 2020) (unpublished)	1

### Statutes

RCW 9.94A.500 .....	5, 6
RCW 10.73.090.....	2
RCW 10.73.100.....	5

### Court Rules

CrR 7.8.....	1, 5, 6
RAP 13.4.....	1, 7

## **I. IDENTITY OF THE RESPONDENT**

The State of Washington appears through the Kittitas County Prosecuting Attorney's Office.

## **II. COURT OF APPEALS DECISION**

Appellant, Shawn Stahlman, petitions this court to review *State v. Shawn Alan Stahlman*, No. 36845-9-III, 2020 Wash.App. LEXIS 476, (Wn.Ct.App. filed February 27, 2020) (unpublished).<sup>1</sup> In that case, Division Three found that the trial court's correction of Mr. Stahlman's judgment and sentence to reflect its previous oral ruling was proper under CrR 7.8(a) which sets no time limit to correct a clerical mistake. The State attaches a copy of that decision to this response.

## **III. ISSUE**

When Petitioner's judgment and sentence was corrected under CrR 7.8(a) some 21 months after his sentencing to reflect the court's articulated ruling that Mr. Stahlman's Kittitas County

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<sup>1</sup> Unpublished opinions of the Court of Appeals are those opinions not published in the Washington Appellate Reports. Unpublished opinions of the Court of Appeals have no precedential value and are not binding upon any court. However, unpublished opinions of the Court of Appeals filed on or after March 1, 2013, may be cited as non-binding authorities, if identified as such by the citing party, and may be accorded such precedential value as the court deems appropriate.

sentence would be served consecutively to his Yakima County sentence, can Petitioner challenge the court's action by citing the timeliness requirement of RCW 10.73.090, which instead applies to timelines for collateral attack via personal restraint petitions?

Answer: No.

#### **IV. STATEMENT OF THE CASE**

Although not explicitly identified by Petitioner, it appears that his motion for discretionary review is loosely premised upon either RAP 13.4(b)(1), or RAP 13.4.(b)(2).

RAP 13.4(b)(1) allows for discretionary review if the decision of the Court of Appeals is in conflict with the Supreme Court, while RAP 13.4(b)(2) allows for discretionary review if the decision of the Court of Appeals is in conflict with a published decision of the Court of Appeals. As stated *supra.*, Petitioner argues that his "resentencing" some 21 months later violated the one-year time limit of an inapplicable statute.

On June 6, 2016, Mr. Stahlman, represented by defense counsel, Marjorie Alumbaugh, entered pleas of guilty to four of five counts, which with Mr. Stahlman's offender score of nine-plus, carried ranges of 43-57 months for counts one, two, and three, and

77-102 months on count five. June 6, 2016 RP 4 (VROP pg. 4 of 22).<sup>2</sup> On June 10, 2016, Mr. Stahlman was sentenced. The prosecutor referenced Mr. Stahlman's recent conviction in Yakima and requested that the court impose mid-range sentences to be served concurrently to each other, but consecutive to Petitioner's Yakima County conviction. June 10, 2016 RP 8 (VROP pg. 8 of 22).

Defense counsel, Ms. Alumbaugh, advocating that her client was accepting responsibility and finally recognizing his faults, asked that the court run Mr. Stahlman's Kittitas County sentence concurrently to his Yakima County case. June 10, 2016 RP 9-10 (VROP pp. 9-10 of 22). Mr. Stahlman allocuted on his own behalf, and also requested that the court run the two sentences concurrently. June 10, 2016 RP 10-12 (VROP pp. 10-12 of 22).

The court acknowledged that Mr. Stahlman had taken responsibility by entering pleas of guilty, and for that reason, imposed the low end of the sentencing range to be served consecutively to the Yakima County matter. June 10, 2016, RP 13-14 (VROP pp. 13-14 of 22).

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<sup>2</sup> The verbatim report of proceedings for Mr. Stahlman's plea hearing on June 6, 2016, sentencing on June 10, 2016, and re-sentencing on March 26, 2018, consists of 22 pages. Because the complete record filed below in the Court of Appeals is so brief, Respondent State attaches it to this response.

It appears that Mr. Stahlman's judgment and sentence for 15-1-00265-1 did not reflect that the court had made the conscious decision to run Mr. Stahlman's sentence consecutively to his Yakima County matter. This oversight may have been brought to the State's attention when Mr. Stahlman's co-defendant, Amy Jo Murphy, filed a personal restraint petition complaining that her judgment and sentence (15-1-00266-9) which did reflect the consecutive nature of the Kittitas and Yakima County sentences, imposed upon her a disproportionate sentence, as Mr. Stahlman did not appear to have received a similar sentence. The order dismissing Ms. Murphy's PRP was dated March 6, 2018 (35278-1-III).

Realizing that Mr. Stahlman's judgment and sentence did not reflect the order of the court, the State noted the matter up for March 26, 2018, to amend the judgment and sentence. Ms. Alumbaugh again appeared on behalf of Mr. Stahlman and indicated that having had no chance to speak with her client, she felt uncomfortable signing the amended judgment and sentence. March 26, 2018, RP 3-4 (VROP pp. 20-21 of 22).

## V. ARGUMENT

Petitioner asserts the existence of a conflict between decisions by arguing RCWs pertinent to collateral attack via personal restraint petitions to put forth a time limit in which the court should have been able to correct his judgment and sentencing to reflect its pronounced ruling. Petitioner's reliance on *State v. Dove*, 196 Wn.App. 148, 381 P.3d 1280 (2016), discussing RCW 10.73.90 and RCW 10.73.100, and not raising CrR 7.8(a) is thus misplaced.

A trial court has jurisdiction under CrR 7.8(a) to amend a judgment to correct an erroneous sentence where justice requires it. *State v. Hardesty*, 129 Wn.2d 303, 315, 915 P.2d 1080 (1996), *State v. Johnson*, 180 Wn.App. 318, 327 P.3d 704 (2014). Under CrR 7.8(a), a trial court may correct clerical mistakes in a judgment at any time on the motion of any party. The court's correction of Mr. Stahlman's judgment and sentence corrected an oversight which had not accurately conveyed the articulated ruling of the court.

Under the plain language of RCW 9.94A.500(1) and the case law dealing with a defendant's required presence, a hearing on a State's CrR 7.8(a) motion is not a sentencing hearing. The narrow subject matter was a request to correct the running of Petitioner's



Kittitas County sentence to his Yakima County sentence to conform with the oral ruling of the court. The information required by RCW 9.94A.500(1) to be considered at a sentencing hearing was irrelevant and the court was merely correcting, not imposing, a sentence. Mr. Stahlman had been earlier provided his opportunity to allocute, and since his sentence was being merely corrected, he had no further right to allocute under RCW 9.94A.500(1).


Mr. Stahlman had also argued in his appeal that the \$200 criminal filing fee, the \$100 DNA fee, and any interest accrual must be struck from his judgment and sentence. The State conceded this issue, and agrees with the Court of Appeals that such correction to Mr. Stahlman's financial obligations would be mandatory, rather than discretionary, under *State v. Ramirez*, 191 Wn.2d 732, 426 P.3d 714 (2018). As this too was ministerial and involved no exercise of the court's discretion, Mr. Stahlman's presence was not required.

## **VI. CONCLUSION**

As correctly noted by the Court of Appeals, CrR 7.8(a), being ministerial in function, has no time limit. Mr. Stahlman's reliance on an inapplicable rule to argue that the State had a limited time to

seek correction of his judgment and sentence, does not satisfy any of the requirements for discretionary review under RAP 13.4, and his motion should be denied.

Respectfully submitted this 12<sup>th</sup> day of June, 2020.

  
\_\_\_\_\_  
Carole L. Highland  
WSBA # 20504  
Attorney for Respondent

PROOF OF SERVICE

I, Carole L. Highland, do hereby certify under penalty of perjury that on Friday, June 12, 2020, I had mailed to the following by U.S. Postal Service first class mail, postage prepaid, or provided e-mail service by prior agreement (as indicated), a true and correct copy of Respondent's Answer to Petitioner's Motion for Discretionary Review:

Shawn Alan Stahlman 818612  
Monroe Correctional Complex  
P.O. Box 888  
Monroe, WA 98272



---

Carole L. Highland,  
WSBA # 20504  
Attorney for Respondent  
Kittitas County Prosecuting Attorney's Office  
205 W 5<sup>th</sup> Ave  
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509-962-7520  
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Neutral

As of: June 9, 2020 9:18 PM Z

## State v. Stahlman

Court of Appeals of Washington, Division Three

February 27, 2020, Filed

No. 36845-9-III

### Reporter

2020 Wash. App. LEXIS 476 \*; 2020 WL 950272

THE STATE OF WASHINGTON, *Respondent*, v. SHAWN  
ALAN STAHLMAN, *Appellant*.

**Counsel:** For Appellant: Jared Berkeley Steed, Nielsen  
Koch, PLLC, Seattle, WA.

For Respondent: Carole Louise Highland, Kittitas  
County Prosecuting Attorney, Ellensburg, WA.

**Notice:** RULES OF THE WASHINGTON COURT OF  
APPEALS MAY LIMIT CITATION TO UNPUBLISHED  
OPINIONS. PLEASE REFER TO THE WASHINGTON  
RULES OF COURT.

**Judges:** Authored by George Fearing. Concurring:  
Rebecca Pennell, Laurel Siddoway.

**Subsequent History:** Reported at [State v. Stahlman](#),  
[2020 Wash. App. LEXIS 503 \(Wash. Ct. App., Feb. 27,  
2020\)](#)

**Opinion by:** George Fearing

**Prior History:** [\*1] Appeal from Kittitas Superior Court.  
Docket No: 15-1-00265-1. Judge signing: Honorable  
Scott R. Sparks. Judgment or order under review. Date  
filed: 03/26/2018.

## Opinion

### Core Terms

sentence, financial obligation, filing fee, indigent,  
accrual, consecutive sentences, collection fee,  
additional ground, notice of appeal, trial court,  
Corrections, oversight, concedes, contends,  
represented by counsel, clerical mistake, identity theft,  
time limit, consecutively, convictions, collected,  
judgments, clerical, notified, omission, firearm, struck,  
theft

¶1 FEARING, J. — Shawn Stahlman appeals from the amended judgment and sentence entered for his Kittitas County convictions on plea of guilty to three counts of second degree identity theft and one count of theft of a firearm. He contends, and the State concedes, that a remand is necessary to strike the \$200 criminal filing fee, \$100 DNA collection fee, and the interest accrual provision on legal financial obligations (LFOs). We agree and remand accordingly. We reject Mr. Stahlman's contention raised in a statement of additional grounds for review.

### FACTS AND PROCEDURE

¶2 In light of the limited issues raised, the facts leading to Shawn Stahlman's identity theft and theft of a firearm convictions are unimportant to this appeal. After Stahlman pled guilty, the court imposed concurrent

sentences [\*2] totaling 77 months for those crimes. The court also expressly stated that the sentence would run consecutively to his existing sentence in a Yakima County case. The court found him indigent and imposed legal financial obligations that included a \$500 victim penalty assessment, \$200 criminal filing fee, and \$100 DNA collection fee. A boilerplate paragraph in section 4.3 of the judgment and sentence required accrual of interest on all financial obligations:

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090.

Clerk's Papers at 40. The judgment and sentence was entered on June 10, 2016.

¶3 Due to clerical oversight, the consecutive sentencing was not memorialized on the judgment and sentence document. On March 13, 2018, the State filed a motion to amend the 2016 judgment and sentence to reflect that the 77-month sentence runs consecutively to the Yakima County sentence. The court entered an order amending the judgment and sentence on March 26, 2018. Shawn Stahlman was not personally present at the hearing but was represented by counsel.

¶4 Shawn Stahlman did not file a notice of appeal until May 22, 2019. Our commissioner [\*3] granted his motion to extend the time for filing the notice of appeal. The trial court found him indigent for purposes of appeal.

#### ANALYSIS

¶5 Shawn Stahlman contends the \$200 criminal filing fee, \$100 DNA fee, and interest accrual provision must be struck from his judgment and sentence based on State v. Ramirez, 191 Wn.2d 732, 426 P.3d 714 (2018). The State concedes. We agree.

¶6 House Bill 1783, which became effective June 7, 2018, prohibits trial courts from imposing discretionary LFOs on defendants who are indigent at the time of sentencing. Laws of 2018, ch. 269, § 6(3); Ramirez, 191 Wn.2d at 746. Ramirez held that the amendment applies prospectively and is applicable to cases pending on direct review and not final when the amendment was enacted. Among the changes was an amendment to former RCW 36.18.020(2)(h) (2015) to prohibit the imposition of the \$200 criminal filing fee on indigent defendants, an amendment to former RCW 43.43.7541 (2015) to make the DNA database fee no longer mandatory if the State has previously collected the

offender's DNA as a result of a prior conviction, and an amendment to RCW 10.82.090(1) to provide that "[a]s of June 7, 2018, no interest shall accrue on nonrestitution legal financial obligations." Laws of 2018, ch. 269, §§ 1, 17(2)(h), 18.

¶7 State v. Ramirez controls Shawn Stahlman's appeal. He was indigent [\*4] throughout the trial court proceedings and remains indigent on appeal. The State acknowledges that his DNA has previously been collected pursuant to a felony conviction and concedes that the judgment language requiring interest on his legal financial obligations is error. Accordingly, the \$200 criminal filing fee, \$100 DNA collection fee, and interest accrual provision on Stahlman's financial obligations should be struck pursuant to Ramirez.

¶8 Given that the corrections will involve no exercise of the court's discretion, Stahlman's presence is not required. See State v. Ramos, 171 Wn.2d 46, 48, 246 P.3d 811 (2011).

#### STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

¶9 Shawn Stahlman filed a statement of additional grounds, raising one ground for review. He contends that the March 26, 2018 order amending his June 10, 2016 judgment and sentence to run his sentence consecutively to the Yakima County sentence should be invalidated and the original 77-month sentence reinstated because the amendment was untimely. He reasons that the trial court was required to correct any mistakes on the judgment and sentence within 90 days and the time limit for collateral attack is one year, whereas the State waited 21 months to seek the amendment. He states that neither [\*5] he nor the Department of Corrections was notified of the amendment until April 2019 and this puts a strain on him and his loved ones because his release date is now changed from 2021 to 2025. His arguments do not merit relief.

¶10 CrR 7.8(a) provides in pertinent part:

Clerical mistakes in judgments ... and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders.

(Emphasis added.)

¶11 Here, the sentencing court's omission of the consecutive sentence provision on the June 10, 2016

judgment and sentence was clearly an oversight, as the court expressly pronounced the consecutive sentence during the original sentencing hearing. CrR 7.8(a) sets no time limit to correct a clerical mistake. The court, thus, properly corrected the clerical error when notified, albeit after 21 months. Shawn Stahlman was represented by counsel at the hearing, and his notice of appeal shows that the DOC received the order amending the judgment and sentence on March 27, 2018, the day after entry. Stahlman is required to serve the lawfully imposed sentence, as amended. He shows no error.

¶12 Remanded to strike [\*6] the \$200 criminal filing fee, \$100 DNA collection fee, and interest accrual provision from the judgment and sentence. The judgment and sentence as amended is otherwise affirmed.

¶13 A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports, but it will be filed for public record pursuant to RCW 2.06.040.

PENNELL, A.C.J., and SIDDOWAY, J., concur.

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FILED  
Court of Appeals  
Division III  
State of Washington  
9/16/2019 8:00 AM

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KITTITAS

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STATE OF WASHINGTON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 15-1-00265-1
	)	
SHAWN STAHLMAN,	)	Appeal No. 36845-9-III
	)	
Defendant.	)	
	)	

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GUILTY PLEA  
JUNE 6, 2016

SENTENCING  
JUNE 10, 2016

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APPEARANCES:

For the State:                    JODI MARIE HAMMOND  
  Deputy Prosecuting Attorney

For the Defendant:              MARJORIE DENISE ALUMBAUGH  
  Attorney at Law

BEFORE:                              THE HONORABLE SCOTT R. SPARKS

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I N D E X

WITNESSES: DIRECT CROSS REDIRECT RECROSS

(None Offered)

\* \* \*

EXHIBITS FOR IDENTIFICATION MARKED RECEIVED

(None Offered)

\* \* \*

PROCEEDINGS PAGE

PROCEEDINGS HELD ON JUNE 6, 2016 . . . . . 3

PROCEEDINGS HELD ON JUNE 10, 2016 . . . . . 7

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## P R O C E E D I N G S

JUNE 6, 2016

(VOLUME QUALITY IS VERY POOR;  
INAUDIBLES ARE SO NOTED.)

THE COURT: Mr. Stahlman is here ready to go.

How are you doing, Mr. Stahlman? It's a little bit  
warm. Long-sleeved shirt and robe.

All right. We're getting there.

Okay. You're wanting to change your plea, huh?

MS. ALUMBAUGH: We are here for a change of plea,  
your Honor.

DEFENDANT: Yes.

THE COURT: Okay. I've been handed this Statement  
of Defendant on Plea of Guilty form. Did you read  
through this with your attorney, Ms. Alumbaugh?

DEFENDANT: Yes.

THE COURT: Do you understand that by pleading  
guilty you do give up or waive these rights that are  
described in Paragraph 5?

DEFENDANT: Yes.

THE COURT: You understand that?

DEFENDANT: Yes.

THE COURT: Okay. Paragraph 6, it says: In  
considering the consequences of my guilty plea, I

JUNE 6, 2016

PG 3 OF 22 VROP

1 understand that the standard range on Count I with an  
2 offender score of nine-plus is 43 to 57 months. Is  
3 that your understanding of what the standard range is?

4 DEFENDANT: Yes, sir.

5 THE COURT: And the number of points is nine-plus?

6 DEFENDANT: Yes, I think so.

7 THE COURT: Counts I, II, and III, same standard  
8 range.

9 DEFENDANT: 43 to 57.

10 THE COURT: Okay. And this is a felony -- these are  
11 felony crimes. So by pleading guilty, you lose the  
12 right to possess a firearm, you lose the right to vote,  
13 and you can be deported; do you understand that?

14 DEFENDANT: Yes.

15 THE COURT: And is it community custody? 12 months  
16 on Count -- so are there four crimes? Oh, 77 to 102 on  
17 Count V; is that what it is?

18 MS. HAMMOND: Yes.

19 THE COURT: Okay. So that's your understanding as  
20 well?

21 DEFENDANT: Yes.

22 THE COURT: And that's the theft of the firearm  
23 count? I see, all right.

24 So it's kind of a big deal here today. I want to  
25 make sure you understand what you're doing.

1 Mr. Stahlman, Paragraph 11, it's written here that  
2 on or about August 17, 2015, I did possess financial  
3 information of another, a debit card, with intent to  
4 commit the crime of theft in the third degree, and this  
5 occurred on three occasions in the State of Washington.  
6 Is that all true?

7 DEFENDANT: Yes.

8 THE COURT: It also says: And I did wrongfully  
9 obtain a firearm with intent to deprive such other of  
10 such property. Is that true, too?

11 DEFENDANT: Yes, your Honor.

12 THE COURT: Okay. It says that here also: On  
13 August 17, 2015; is that true?

14 DEFENDANT: (No audible response.)

15 THE COURT: Okay. Thank you.

16 Is anyone forcing you to plead guilty?

17 DEFENDANT: No.

18 THE COURT: Has anyone made any threats or promises  
19 to get you to plead guilty?

20 DEFENDANT: No.

21 THE COURT: You're pleading guilty because you think  
22 it's the best alternative for you at this point?

23 DEFENDANT: Yes.

24 THE COURT: I understand. There is a factual basis  
25 for the plea. It's voluntary and [UNINTELLIGIBLE].

1 I accept your plea to Count I, II, III, and V.

2 Okay. Regarding the sentence, do you want to do  
3 that on a different --

4 FEMALE: Can we move the sentencing to Friday?

5 THE COURT: This Friday? Okay. Okay. Well, Mr.  
6 Stahlman, I'll see you on Friday, okay? We'll take  
7 care of the whole thing then. Thank you.

8 (PROCEEDINGS CONCLUDED.)

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## P R O C E E D I N G S

JUNE 10, 2016

(VOLUME QUALITY IS VERY POOR;  
INAUDIBLES ARE SO NOTED.)

THE COURT: Mr. Stahlman is ready to go; isn't he?  
Mr. Stahlman is here today. We were in court the other  
day and took the plea, 15-1-265-1. Today is the  
sentencing date. Is everyone ready?

MS. ALUMBAUGH: Yes, we are.

THE COURT: Okay.

MS. HAMMOND: Judge, Mr. Stahlman is before the  
court with an extensive criminal history [INAUDIBLE].  
We know from the prosecutor in Yakima regarding Mr.  
Stahlman. He took his most recent charges in Yakima to  
court and testified before the jury that he's not like  
most people, that he is [INAUDIBLE].

THE COURT: Who did?

MS. HAMMOND: Mr. Stahlman.

THE COURT: Testified?

MS. HAMMOND: Well, that was the email from the  
prosecutor in Yakima.

THE COURT: Okay.

MS. HAMMOND: What he told the jury. This case  
involved kind of a string of breaking into cars when

JUNE 10, 2016  
PG 7 OF 22 VROP

1 they were parked at recreation spots along the river,  
2 Yakima River, and the identify theft, he takes the debt  
3 cards and he goes and uses them. Unfortunately, he  
4 used them in places that have no surveillance  
5 [INAUDIBLE], so he is accepting responsibility. He's  
6 pleading guilty to -- or he's pled guilty to three  
7 counts of identity theft as well as theft of a firearm  
8 which is the count that the State is most concerned  
9 with, in these cases when firearms get stolen from  
10 law-abiding gun owners.

11 Because of his criminal history, he's looking at --  
12 as pointed out, [INAUDIBLE], we're asking for 50  
13 months.

14 THE COURT: 5-0?

15 MS. HAMMOND: On Counts I, II, and III, and 89-1/2  
16 months on the theft of a firearm.

17 It's the State's position that these offenses should  
18 be served consecutively to his offenses that he has  
19 been found guilty of in Yakima County that he took to a  
20 trial there recently. It's my understanding the  
21 defense is going to ask for a concurrency. The State  
22 thinks that consecutive is appropriate. We don't think  
23 the defendant should get any additional breaks.

24 THE COURT: Okay. Thank you, Ms. Hammond.

25 MS. ALUMBAUGH: The total on that, your Honor, that

1 89 months, everything is to run concurrent as to these  
2 charges, so.

3 MS. HAMMOND: [INAUDIBLE].

4 THE COURT: I understand. Right. You're just  
5 suggesting that I don't authorize Yakima. Are those  
6 sentences already entered?

7 MS. ALUMBAUGH: It's pending. He's been sentenced  
8 and he's serving the sentence, but it's a DOC sentence  
9 [INAUDIBLE].

10 THE COURT: Okay. Okay.

11 MS. ALUMBAUGH: Well, your Honor, and in Mr.  
12 Stahlman's case, in this case, he is accepting  
13 responsibility and he finally recognizes his faults and  
14 extremely poor behavior along with the lack of good  
15 decision-making. He is so very sorry to the victims  
16 in this case. He plans to use his time in prison in  
17 making himself a better person, a person who is an  
18 asset to the community instead of a problem for  
19 society.

20 He will be serving 108 months' sentence on that  
21 Yakima County case. The incidents in Yakima County  
22 were committed on or about the same time frame as these  
23 charges, it was about September. I know there were  
24 attempts for globalization on those.

25 Mr. Stahlman had been using drugs and was using very

1 poor judgment, that's true. Your Honor, Mr. Stahlman  
2 has learned a very hard lesson here, and I would urge  
3 this court to run this time concurrent to the Yakima  
4 County case. He has almost 10 years of time to do, and  
5 in that time he will be taking advantage of all  
6 available programs to make himself a better person. He  
7 will be addressing his addiction issues and taking  
8 advantage of the other programs that will make him a  
9 valuable member of society when he returns to the  
10 community.

11 He is 33. He's still plenty young to learn a lesson  
12 and gain some, you know, advantages from this in the  
13 prison facility. He has plenty of time to better  
14 himself and make better choices. He will be 43 in 10  
15 years and will be able to pay his debt to his society  
16 when he comes out. So we ask this court to run that  
17 time concurrent with the Yakima case.

18 And Mr. Stahlman would like to speak when --

19 THE COURT: Very good. Thank you, Ms. Alumbaugh.

20 Mr. Peck. Mr. Peck -- I'm sorry. I always forget  
21 my calendar and reading off of that. I know your name,  
22 Shawn Stahlman. Sorry about that.

23 DEFENDANT: That 's all right.

24 I wrote you a letter. Do you want to read it, or do  
25 you want me to read it?

JUNE 10, 2016  
PG 10 OF 22 VROP



1 THE COURT: It's up to you.

2 DEFENDANT: She said for me to read it.

3 It says: Judge Sparks, your Honor, thank you for  
4 taking a moment to hear what I have to say. I pled  
5 guilty on 6/6/16 and taking responsibility for my  
6 actions. So I would like to apologize to the victims  
7 of the things I sold. I was wrong and I'm sorry.

8 I already have a substantial amount of time, 108  
9 months, to do for Yakima County conviction, and then I  
10 put the case number. I said I'm asking you to please  
11 have mercy and to run the 89 months I have -- I will be  
12 sentenced to here concurrent with the Yakima  
13 convictions and not consecutive as the prosecutor here  
14 is going to ask for. She's going to point out that I  
15 have substantial criminal history, which I do, I admit,  
16 she's probably going to say I'm just a bad person and  
17 should be locked up as long as possible.

18 I'm not a bad person. I am an idiot at times when I  
19 do drugs and do stupid things, which get me to where  
20 I'm at now. The base problem is my drug addiction and  
21 me getting help for it which I've never had. If I had,  
22 I wouldn't do the stupid things still and be here now.

23 I think it would be extreme and of benefit to no one  
24 if the 89-month sentence is run consecutive to the  
25 108-month sentence out of Yakima. It would be a total

JUNE 10, 2016  
PG 11 OF 22 VROP

1 of 197 months, almost 20 years.

2 I won't be the only one doing this lengthy prison  
3 stay, my kids also will be. My daughter Lexi, she's  
4 16, and my son Brody, he's five. I'm already going to  
5 miss out on so much, I don't want to miss out on more.

6 These Yakima charges all happened roughly around the  
7 same time. These charges first, I was in Yakima  
8 pending transport and the day before I was to be  
9 transported here, charges there were brought up. So  
10 when all these things happened, I was wrapped up in  
11 drugs and just a real bad place. Shoot, by the time I  
12 got arrested I was sleeping in parks and just grateful  
13 to go to jail when I got caught.

14 As it is right now, I'm going to spend almost --  
15 spend around the next seven years in prison. This will  
16 be the longest and last stay I'll ever be in prison.  
17 I'm going to get the help I need, [INAUDIBLE]  
18 treatment, parenting classes, and get a trade skill to  
19 work with upon my release, so I can get a job and be a  
20 productive member of the community and not a menace as  
21 I am now.

22 So, please, your Honor, Judge Sparks, will you run  
23 this conviction concurrent with Yakima? Thank you.  
24 God bless.

25 THE COURT: Thank you very much, Mr. Stahlman. I

JUNE 10, 2016  
PG 12 OF 22 VROP

1 appreciate you taking the time to read that, write it  
2 and then read it. You did plead guilty to identity  
3 theft, three different counts, the theft of a firearm.  
4 Based on your plea, I found you guilty of those crimes.

5 I will find as stated that you have a chemical  
6 dependency that contributed to the offense, and I write  
7 that on almost everybody [INAUDIBLE]. Here's your  
8 criminal history, my friend. Substantial is an  
9 understatement. It's got so many crimes that you just  
10 automatically go to the top end. So really you don't  
11 get punished -- you know, we get to a certain point and  
12 we just say it doesn't matter anymore, and that's where  
13 you're at. It's kind of sad if you ask me. But you  
14 did plead guilty and did responsibility for it. You  
15 saved, you know, the taxpayers a couple thousand  
16 dollars in jury fees, a couple days of work from the  
17 prosecutor, a couple days of work for me, a couple days  
18 of work for your attorney. You saved everybody that,  
19 so it's a big deal to plead guilty.

20 Because of that, I'm going to impose the low end of  
21 the standard range because you're pleading guilty and  
22 you didn't have a trial. It's still 77 months, right?  
23 That's 43, [INAUDIBLE], and 43, all run at the same  
24 time as the 77. So really when you think about it,  
25 you're only getting punished for one crime, even though

JUNE 10, 2016  
PG 13 OF 22 VROP

1 you were found guilty of four different crimes.

2 Total confinement, 77. There are on Counts I, II,  
3 and III, 12 months of community custody after you're  
4 released from confinement. As of that, I'm going to  
5 require that you not possess or consume any controlled  
6 substances, including marijuana, without a valid  
7 prescription, and that you undergo an evaluation for  
8 treatment for chemical dependency. I believe you will  
9 be able to have that done in prison.

10 I'm going to impose the statutory filing fee, court  
11 costs of \$200, a victim assessment of \$500, a \$100 DNA  
12 collection fee, which totals \$800.

13 You may be able to, when you're released from  
14 confinement, work and make payments to the courts.  
15 I'll set those today at \$100 a month. For the record,  
16 I'm not making an inquiry on his ability to pay because  
17 I'm only imposing the mandatory legal financial  
18 obligations. All the Supreme Courts talk about losing  
19 it. It's being considered by the court because I'm  
20 only imposing it for legislative requirement (sic).

21 Your request to have the court run these concurrent  
22 with the Yakima County cases is going to be denied. As  
23 I indicated previously, when you have a criminal  
24 history like yours, I could go above the standard range  
25 because we're not really punishing you for three of

JUNE 10, 2016  
PG 14 OF 22 VROP

1 those crimes [INAUDIBLE] a little further down that  
2 road, so.

3 MS. ALUMBAUGH: One more thing we wanted to address  
4 and that is credit for time served. He was also being  
5 held on this case in Yakima and he's asking for credit  
6 for time served.

7 THE COURT: So the credit -- okay, credit for any  
8 time he's been serving, you know, in jail --

9 DEFENDANT: Okay. I was in Yakima County in  
10 transport just for this charge. I was arrested  
11 initially just for this charge. I had no other  
12 charges. Will I be given credit for that?

13 THE COURT: When you're in a --

14 DEFENDANT: I was in Yakima --

15 THE COURT: -- County --

16 DEFENDANT: Before I was charged in Yakima with any  
17 charges --

18 THE COURT: Uh-huh.

19 DEFENDANT: -- I had no other holds, no other --

20 THE COURT: How many days are you asking for?

21 DEFENDANT: It's like a week, it's not even that  
22 much.

23 THE COURT: Seven days, okay.

24 DEFENDANT: Every day counts, though.

25 THE COURT: Right, I hear that. I hear that. I

JUNE 10, 2016  
PG 15 of 22 VROP

1 always give people credit for every day they serve in  
2 our jail. I never give credit for time spent at other  
3 jails.

4 Okay. Mr. Stahlman, good luck to you.

5 MS. ALUMBAUGH: Thank you.

6 DEFENDANT: Uh-huh.

7 THE COURT: We'll get your signature on this.

8 Mr. Stahlman, I didn't give you your seven days, so  
9 you're not going to sign it?

10 DEFENDANT: Yeah, I don't want to sign it.

11 THE COURT: Okay. Well, let's make it an additional  
12 30 for being in contempt of court. Do you want to do  
13 that that way? I'll add 30. You won't go to prison,  
14 you'll sit in my jail for another 30 days. It sucks,  
15 but you have to do what the judge says. That's just  
16 kind of the way it works, so.

17 I appreciate your opposition, Mr. Stahlman, I do. I  
18 get it, but I've got to do what I've got to do.

19 (PROCEEDINGS CONCLUDED.)

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JUNE 10, 2016  
PG 16 OF 22 VROP

## C E R T I F I C A T E

STATE OF WASHINGTON        )  
                                   )  
 COUNTY OF KING            )

I hereby declare under penalty of perjury that the foregoing transcript of proceedings was prepared by me from electronic recordings of the proceedings, monitored by me and reduced to typewriting to the best of my ability;

That the transcript is, to the best of my ability, a full, true and correct record of the proceedings, including the testimony of witnesses, questions and answers, and all objections, motions and exceptions of counsel made and taken at the time of the proceedings;

That I am neither attorney for, nor a relative or employee of any of the parties to the actions; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

(Date)

R.V. WILSON

FILED  
Court of Appeals  
Division III  
State of Washington  
10/16/2019 8:00 AM

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KITTITAS

---

STATE OF WASHINGTON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 15-1-00265-1
	)	
SHAWN STAHLMAN,	)	Appeal No. 36845-9-III
	)	
Defendant.	)	
	)	

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MOTION HEARING PROCEEDINGS  
MARCH 26, 2018

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APPEARANCES:

For the State:                                JODI MARIE HAMMOND  
  Deputy Prosecuting Attorney

For the Defendant:                            MARJORIE DENISE ALUMBAUGH  
  Attorney at Law

BEFORE:  THE HONORABLE SCOTT R. SPARKS

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MARCH 26, 2018  
PG 18 OF 22 VROP



I N D E X

WITNESSES: DIRECT CROSS REDIRECT RECROSS

(None Offered)

\* \* \*

EXHIBITS FOR IDENTIFICATION MARKED RECEIVED

(None Offered)

\* \* \*

PROCEEDINGS PAGE

PROCEEDINGS HELD ON MARCH 26, 2018 . . . . . 3

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MARCH 26, 2018  
PG 19 OF 22 VROP

## P R O C E E D I N G S

MARCH 26, 2018

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3  
4 MS. HAMMOND: Good afternoon, your Honor.

5 THE COURT: Hello.

6 MS. HAMMOND: Judge, this is noted by the State for  
7 an amendment to the judgment and sentence. I filed a  
8 motion. I asked Ms. Alumbaugh to sign off on an  
9 agreement. She wasn't comfortable doing so, so I noted  
10 it, but we have not transported the defendant.

11 At sentencing, the court ordered that his sentences  
12 be consecutive with his Yakima County case, and the  
13 judgment and sentence that was filed with the  
14 Department of Corrections didn't indicate so. And so  
15 the Department of Corrections is not currently ordering  
16 that he serve those consecutive sentences. So I  
17 ordered the FTR from the hearing and listened to it.  
18 It's clear on the audio that the court says order them  
19 to be consecutive, and so we ask the court to enter the  
20 order that I filed amending the judgment and sentence  
21 to reflect the court's order.

22 THE COURT: Ms. Alumbaugh?

23 MS. ALUMBAUGH: Yes, your Honor, I just want to make  
24 note that, yeah, Mr. Stahlman and I have not had a  
25 chance to talk about this and so I was not comfortable

MARCH 26, 2018  
PG 20 OF 22 VROP

1 signing off on something --

2 THE COURT: Okay.

3 MS. ALUMBAUGH: I'll defer to the court about  
4 [INAUDIBLE].

5 THE COURT: Of course. I understand that, and I'll  
6 enter the order. Do you have that today?

7 MS. HAMMOND: I thought I filed an order, Judge, and  
8 I have a clean copy here.

9 THE COURT: Okay. And then if he doesn't like this  
10 procedure, he can bring it to our attention. Okay?

11 MS. ALUMBAUGH: Thank you.

12 THE COURT: Thank you so much. I'll enter the order  
13 that the State is providing.

14 (PROCEEDINGS CONCLUDED.)

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MARCH 26, 2018  
PG 21 OF 22 VROP

## C E R T I F I C A T E

STATE OF WASHINGTON        )  
                                   )  
 COUNTY OF KING            )

I hereby declare under penalty of perjury as follows:

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That the foregoing transcript of proceedings was prepared by me from electronic recordings of the proceedings, monitored by me and reduced to typewriting to the best of my ability;

That the transcript is to the best of my ability a full, true, and correct record of the proceedings, including the testimony of witnesses, questions and answers, and all objections, motions, and exceptions of counsel made and taken at the time of the proceedings;

That I am neither attorney for, nor a relative or employee of any of the parties to the action; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

10/15/19

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**KITTITAS COUNTY PROSECUTOR'S OFFICE**

**June 12, 2020 - 3:42 PM**

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**Superior Court Case Number:** 15-1-00265-1

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