

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION THREE

In the Matter of the Personal Restraint of)	No. 37529-3-III
)	
JACQUELINE A. WORTHAM,)	
)	
Petitioner.)	UNPUBLISHED OPINION

STAAB, J. — In 2009, 18-year-old Jacqueline Wortham pleaded guilty to first degree murder for killing her father. The court imposed a low-end standard-range sentence of 22 years. In 2020, Ms. Wortham filed a personal restraint petition, seeking resentencing under *State v. Houston-Sconiers*, 188 Wn.2d 1, 21, 391 P.3d 409 (2017).


The State concedes that Ms. Wortham’s petition falls under an exception to the one-year time bar because *Houston-Sconiers* is retroactively applicable. *In re Pers. Restraint of Ali*, 196 Wn.2d 220, 233, 474 P.3d 507 (2020), *cert. denied sub nom. Washington v. Ali*, 141 S. Ct. 1754 (2021). The State also concedes that Ms. Wortham has demonstrated actual and substantial prejudice because the trial court did not recognize its discretion to impose a sentence below the standard range. *In re Pers. Restraint of Domingo-Cornelio*, 196 Wn.2d 255, 474 P.3d 524 (2020), *cert. denied sub nom. Washington v. Domingo-Cornelio*, 141 S. Ct. 1753 (2021).

No. 37529-3-III

In re Pers. Restraint of Wortham


Based on our own review of Ms. Wortham's petition, and the State's concessions, we grant the personal restraint petition and remand to the Superior Court for resentencing.

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.

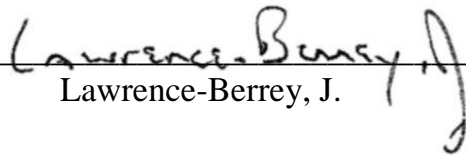


Staab, J.

WE CONCUR:



Fearing, J.



Lawrence-Berrey, J.