

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

February 8, 2022

DIVISION II

In the Matter of the Personal Restraint of  
RANDY PHILIP CAPPS,  
Petitioner.

No. 53980-2-II

UNPUBLISHED OPINION

GLASGOW, A.C.J.—Randy Philip Capps seeks relief from personal restraint imposed following his 1995 plea of guilty to aggravated first degree murder, a crime he committed when he was 20 years old and for which he received a sentence of life imprisonment without the possibility of parole. He argues that under *In re Personal Restraint of Monschke*, 197 Wn.2d 305, 482 P.3d 276 (2021), his sentence is unconstitutional and that he is entitled to be resentenced so that the trial court can take into account his youthfulness at the time of his crimes. The State concedes that Capps is entitled to resentencing. Accordingly, we grant Capps’s petition and remand his judgment and sentence to the trial court for resentencing.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

Glasgow, A.C.J.  
Glasgow, A.C.J.

We concur:

Maxa, J.  
Maxa, J.

Veljacic, J.  
Veljacic, J.