IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In the Matter of the Personal Restraint of: JENNIFER LEAANNE MORRIS, Petitioner.	No. 54209-9-II UNPUBLISHED OPINION

SUTTON, A.C.J. — Jennifer Morris seeks relief from personal restraint imposed as a result of her 2019 plea of guilty to two counts of second degree rape of a child. She now seeks to withdraw that plea.[1] First, Morris contends that her plea was not knowing, voluntary and intelligent because she was not advised of the direct consequences of her plea. *State v. Holsworth*, 93 Wn.2d 148, 155-56, 607 P.2d 845 (1980). But she does not identify what direct consequences she was not advised of. Morris notes that the defendant must be advised of any mandatory minimum or possible maximum sentence for the offense. But Morris signed a statement on plea of guilty that described the direct consequences of her plea, including the standard sentence range and the maximum sentence of life. Br. of Respondent, App. F (Amended Statement of Defendant on Plea of Guilty to Sex Offense, filed Feb. 19, 2019).

[1] Morris filed a motion to withdraw guilty plea in the trial court. That court transferred her motion to us under CrR 7.8(c) to be considered as a personal restraint petition.

Morris also argues that she was pushed into pleading guilty by a "threatening statement" made to her by a jail supervisor.[2] But in her Amended Statement on Plea of Guilty, Morris stated that "[n]o one has threatened harm of any kind to me or to any other person to cause me to make this plea." Br. of Respondent, App. F at 10. Where a defendant has signed a statement on plea of guilty, the voluntariness of her plea is presumed. *State v. Smith*, 134 Wn.2d 849, 852, 953 P.2d 810 (1998). And when, as occurred here, the trial court conducts a plea colloquy with the defendant regarding voluntariness, that presumption is "well nigh irrefutable." *State v. Perez*, 33 Wn. App. 258, 262, 654 P.2d 708 (1982). Morris does not refute the presumption of the voluntariness of her plea.

Finally, Morris argues that she received ineffective assistance of counsel by her first counsel telling her that she was going to prison regardless of how much proof she had and by her second counsel not moving to withdraw her plea at sentencing after she told him that she had found out that things that her first attorney had told her were not true. We disagree that counsel was either ineffective or shows prejudice.

To establish ineffective assistance of counsel, Morris must demonstrate that her counsel's performance fell below an objective standard of reasonableness and that as a result of that deficient performance, the result of her case probably would have been different. *State v. McFarland*, 127 Wn.2d 322, 334-35, 899 P.2d 1251 (1995); *Strickland v. Washington*, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984). This court presumes strongly that trial counsel's performance was reasonable. *State v. Grier*, 171

[2] Although her petition is unclear, it appears Morris claims that being told that she had been placed in the female section of the jail because she was a post-surgical transgender person was "very threatening" Petition at 12. But she does not describe how this statement or this accommodation was threatening.

Wn.2d 17, 33, 246 P.3d 1260 (2011). Morris does not show either deficient performance or resulting prejudice. In the context of the withdrawal of a guilty plea, the petitioner must show a "reasonable probability" that but for the attorney's deficient performance, the petitioner would not have pleaded guilty. *State v. Buckman*, 190 Wn.2d 51, 62-64, 409 P.3d 193 (2018). Given that the plea agreement reduced the prison time Morris was facing, and the evidence against her, Morris does not make such a showing that a rational person in her position would not have pleaded guilty. *Buckman,* 190 Wn.2d at 69-70. Thus, Morris does not present evidence that she received ineffective assistance of counsel that would have rendered her plea involuntary.

Morris does not show any grounds for relief from personal restraint. We therefore deny her petition and her request for appointment of counsel.

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.

Sutton, A.C.J.

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We concur:

Maxa, J.

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Glasgow, J.

GLASGOW, J.