

April 24, 2018

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In the Matter of
the Post-Sentence Review of

CASEY R. WOODSON,

Respondent.

No. 50201-1-II

**ORDER DENYING RECONSIDERATION,
GRANTING MODIFICATION, AND
AMENDING UNPUBLISHED OPINION**

Pacific County requests reconsideration of this Court’s unpublished opinion filed March 20, 2018.

After consideration, the court DENIES the County’s request, but MODIFIES the opinion to correct clerical errors. Although second degree robbery is a most serious offense, Woodson was still not subject to indeterminate sentencing under RCW 9.94A.507(1)(b) because second degree robbery is not an offense listed in RCW 9.94A.030(38)(b).

Page 1 of the opinion which states:

“ . . . conviction for second degree burglary”

To correct a clerical error, the Court amends the sentence to read:

“ . . . conviction for second degree robbery”

Page 1 of the opinion which states:

“DOC contends, and the State and Woodson agree”

To correct a clerical error, the Court amends the sentence to read:

“DOC contends, and Woodson agrees”

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Accordingly, it is so **ORDERED**.

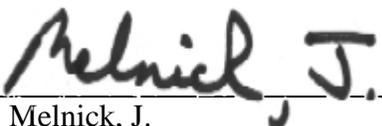
PANEL: Jj. Worswick, Melnick, Sutton

FOR THE COURT:



Worswick, P.J.

We concur:



Melnick, J.



Sutton, J.

March 20, 2018

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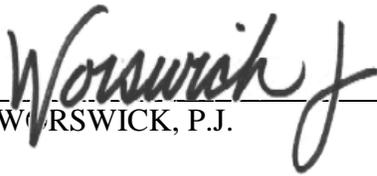
UNPUBLISHED OPINION

WORSWICK, P.J. — The Department of Corrections (DOC) petitioned this court under RCW 9.94A.585(7) to review the sentence imposed by the trial court in *State v. Casey R. Woodson*, Pacific County Superior Court Cause No. 16-1-00166-0. Woodson pleaded guilty to three counts of first degree dealing in depictions of minors engaged in sexually explicit conduct. The trial court sentenced him under RCW 9.94A.507(1)(b) and (3) to a minimum term of confinement of 57 months and a maximum term of confinement of the statutory maximum. DOC contends, and the State and Woodson agree, that the court erred in sentencing Woodson under RCW 9.94A.507(1)(b) because his prior conviction for second degree burglary was not a qualifying conviction. *See State v. Martell*, 200 Wn. App. 293, 304, 402 P.3d 387 (2017). We grant DOC’s petition and remand

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Woodson's judgment and sentence to the trial court to consider the validity of the plea and, if appropriate, 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.


WORSWICK, P.J.

We concur:


MELNICK, J.


SUTTON, J.