

COURT OF APPEALS
STATE OF WASHINGTON

11 JUN 16 PM 12:39

STATE OF WASHINGTON
BY: 

NO. 40892-9-II

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

STATE OF WASHINGTON,
Respondent,

v.

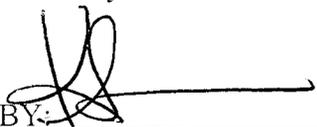
MATHEW C. MEACHAM,
Appellant.

APPEAL FROM THE SUPERIOR COURT OF THE STATE
OF WASHINGTON FOR GRAYS HARBOR COUNTY

THE HONORABLE GORDON L. GODFREY, JUDGE

SUPPLEMENTAL BRIEF OF RESPONDENT

H. STEWARD MENEFEE
Prosecuting Attorney
for Grays Harbor County

BY: 

KATHERINE L. SVOBODA
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WSBA # 34097

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STATEMENT OF THE CASE

The appellant's recitation of the pertinent facts is correct.

RESPONSE TO SUPPLEMENTAL ASSIGNMENT OF ERROR

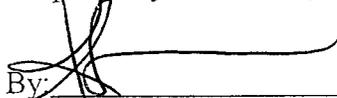
The State concedes that the appellant's analysis is correct. The State mistakenly classified the appellant's sentence as falling under the purview of RCW 9.94A.507 when making its recommendation to the trial court. The trial court then imposed the erroneous sentence.

In order for the sexual motivation finding to subject the appellant to an indeterminate sentence, the conviction would have to be for: murder in the first degree, murder in the second degree, homicide by abuse, kidnaping in the first degree, kidnaping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree. RCW 9.94A.507.

In light of this, the State agrees that this case must be remanded for resentencing.

DATED this 15th day of June, 2011.

Respectfully Submitted,



By: _____
KATHERINE L. SVOBODA
Sr. Deputy Prosecuting Attorney
WSBA # 34097