

NO. 42807-5-II

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

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STATE OF WASHINGTON, Respondent

v.

TEDDY JAY PYLE, Appellant

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FROM THE SUPERIOR COURT FOR CLARK COUNTY  
THE HONORABLE SCOTT A. COLLIER  
CLARK COUNTY SUPERIOR COURT CAUSE NO.11-1-01494-1

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BRIEF OF RESPONDENT

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A. RESPONSE TO ASSIGNMENT OF ERROR

PYLE MUST BE RESENTENCED ON HIS MISDEMEANOR  
OFFENSES BECAUSE THE COURT LACKED THE AUTHORITY TO  
IMPOSE PROBATIONS

B. STATEMENT OF THE CASE

The State concurs in Mr. Pyle's Statement of the Case.

C. ARGUMENT

Mr. Pyle argues that the trial court has no authority to impose probation on his misdemeanor offense because the court imposed the maximum sentence of 364 days in jail, with no days suspended. Mr. Pyle is correct. The State concedes this error. Should Mr. Pyle file a motion to accelerate the mandate in this case, Respondent offers no objection to such a motion.

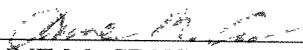
D. CONCLUSION

Mr. Pyle must be resentenced on his misdemeanor offenses and the State does not object to acceleration of the mandate should Mr. Pyle seek acceleration.

DATED this 30<sup>th</sup> day of July, 2012.

Respectfully submitted:

ANTHONY F. GOLIK  
Prosecuting Attorney  
Clark County, Washington

By:   
ANNE M. CRUSER, WSBA #27944  
Deputy Prosecuting Attorney

# CLARK COUNTY PROSECUTOR

## July 30, 2012 - 12:07 PM

### Transmittal Letter

Document Uploaded: 428075-Respondent's Brief.PDF

Case Name: State v. Teddy Jay Pyle

Court of Appeals Case Number: 42807-5

Is this a Personal Restraint Petition?  Yes  No

#### The document being Filed is:

- Designation of Clerk's Papers  Supplemental Designation of Clerk's Papers
- Statement of Arrangements
- Motion: \_\_\_\_\_
- Answer/Reply to Motion: \_\_\_\_\_
- Brief: Respondent's
- Statement of Additional Authorities
- Cost Bill
- Objection to Cost Bill
- Affidavit
- Letter
- Copy of Verbatim Report of Proceedings - No. of Volumes: \_\_\_\_\_  
Hearing Date(s): \_\_\_\_\_
- Personal Restraint Petition (PRP)
- Response to Personal Restraint Petition
- Reply to Response to Personal Restraint Petition
- Other: \_\_\_\_\_

#### Comments:

No Comments were entered.

Sender Name: Abby Rowland - Email: [Abby.Rowland@clark.wa.gov](mailto:Abby.Rowland@clark.wa.gov)

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