

No. 44643-0-II

COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON,

Respondent,

vs.

**Sandy Fehr,**

Appellant.

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Cowlitz County Superior Court Cause No. 12-1-00719-2

The Honorable Judge Marilyn K. Haan

**Appellant's Opening Brief**

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## **ISSUES AND ASSIGNMENTS OF ERROR**

1. The trial court violated Ms. Fehr's state constitutional right to appear and defend in person.
2. The trial court violated Ms. Fehr's Sixth and Fourteenth Amendment right to be present.

**ISSUE 1:** An accused person has a state constitutional right to "appear and defend in person," which applies to every trial stage where her substantial rights may be affected. Here, the trial court held a hearing in Ms. Fehr's absence, and decided to replay a recording for the jury. Did the trial judge violate Ms. Fehr's right to appear and defend in person under Wash. Const. art. I, § 22?

**ISSUE 2:** An accused person has a federal constitutional right to be present at trial whenever her presence has a reasonably substantial relation to the fullness of her opportunity to defend. Here, the trial court held a hearing in Ms. Fehr's absence, and decided to replay a recording for the jury. Did the trial judge violate Ms. Fehr's right to be present under the Sixth and Fourteenth Amendments?

3. The trial court infringed Ms. Fehr's right to participate in her defense.
4. Ms. Fehr's conviction was entered in violation of her rights under the Sixth and Fourteenth Amendments.
5. Ms. Fehr's conviction was entered in violation of her rights under Wash. Const. art. I, § 22.

**ISSUE 3:** An accused person has a right to participate in her own defense. Here, the trial court ordered Ms. Fehr not to respond to any testimony. Did the trial court violate Ms. Fehr's right to participate in her defense, in violation of the state and federal constitutions?

6. Ms. Fehr's sentencing enhancement infringed her Fourteenth Amendment right to due process.
7. The court's instructions relieved the state of its obligation to prove essential elements of the enhancement.
8. The court's instructions failed to make the relevant legal standard manifestly clear to the average juror.
9. The trial court erred by failing to instruct jurors regarding the state's obligation to prove that the deliveries occurred within 1000 feet of a school bus stop.
10. The special verdict form did not reflect a jury finding on all the elements of the school bus stop enhancement.
11. The trial court lacked authority to impose three consecutive 24-month school bus stop enhancements.

**ISSUE 4:** A sentencing enhancement may only be imposed if the jury finds the elements of the enhancement beyond a reasonable doubt. Here, the jury's special verdicts reflected a finding that the deliveries occurred within 1000 feet of a school bus route, rather than a bus stop. Must Ms. Fehr's sentence enhancements be vacated and the case remanded for a new sentencing hearing?

12. Ms. Fehr was deprived of her Sixth and Fourteenth Amendment right to the effective assistance of counsel.
13. Defense counsel was ineffective for failing to argue in favor of a lower sentence.
14. Defense counsel was ineffective for failing to present relevant authority justifying an exceptional sentence below the standard range.

**ISSUE 5:** A reasonably competent defense attorney will argue for a lower sentence when justified by the facts and the law. In this case, defense counsel failed to seek a lower sentence based on clearly established precedent. Was Ms. Fehr denied her

right to the effective assistance of counsel under the Sixth and Fourteenth Amendments?

## **STATEMENT OF FACTS AND PRIOR PROCEEDINGS**

Sandy Fehr and Connie Barnett were friends. When Barnett was arrested for four drug deliveries, she offered to act as a confidential informant against Ms. Fehr. RP 180-181, 204. In exchange, Barnett was to have all of her charges dismissed. RP 180.

Barnett lived with Ms. Fehr during part of the time she worked as a confidential informant. RP 183. Several others also lived there, and Ms. Fehr did not have her own room. This was where Barnett claimed all of the exchanges took place with Ms. Fehr. RP 184, 188-189, 206, 212, 245. Barnett also continued to use heroin during her entire period of work as an informant. RP 210.

After claiming to have done three buys from Ms. Fehr, Barnett lost contact with her police handler. RP 209. Months later, she was arrested with eight separately packaged bindles of heroin for sale. RP 211. Her original agreement was revoked, but she negotiated another one. Instead of facing charges for the four deliveries and the possession with intent, she would face only two felonies and the state would recommend the Drug Offender Treatment Alternative and she would only do six months in prison. RP 219-220, 222, 225-227. All Barnett had to do was testify against Ms. Fehr, which she did. RP 225-228.

Ms. Fehr faced three charges of delivery of a controlled substance, all with enhancements for being within 1000 feet of a school bus stop. CP 1-2.

At the start of trial, the trial judge told Ms. Fehr: “And then make sure you don’t show any disagreement, agreement or any responses to the testimony.” RP 7.

The court gave the jury the a special verdict with the following question on each count: “Did the defendant deliver a controlled substance to a person within one thousand feet of a school bus stop route designated by a school district?” CP 61-63.

While the jury was deliberating, they sent out a note asking to hear a recording again. RP 316. Ms. Fehr was not present when the court read the note and discussed the responses with counsel. RP 318. The bailiff played the recording for the jury. RP 319-321.

The jury returned verdicts of guilty and answered the special verdicts in the affirmative. CP 4. The court issued a sentence of 192 months. RP 341. Ms. Fehr timely appealed. CP 18.

## ARGUMENT

### **I. THE TRIAL COURT VIOLATED MS. FEHR'S STATE AND FEDERAL CONSTITUTIONAL RIGHTS TO BE PRESENT BY DECIDING AN IMPORTANT ISSUE IN HER ABSENCE.**

#### A. Standard of Review

Constitutional claims are reviewed *de novo*. *State v. Zillyette*, 178 Wn.2d 153, 161, 307 P.3d 712 (2013). Violation of the accused's constitutional right to be present requires reversal unless the state can show that the error was harmless beyond a reasonable doubt. *State v. Irby*, 170 Wn.2d 874, 886, 246 P.3d 796 (2011).

#### B. The trial court violated Ms. Fehr's right to be present by holding a hearing in her absence and deciding to replay a portion of the evidence for the jury.

A trial judge violates the rights to a fair trial and to an impartial jury by placing undue emphasis on one party's evidence. U.S. Const. Amends. VI, XIV; art. I, § 22; *State v. Koontz*, 145 Wn.2d 650, 657-58, 41 P.3d 475 (2002). A judge may not replay a recording during jury deliberations without first considering whether doing so will be unduly prejudicial. *Koontz*, 145 Wn.2d at 657-58. Before allowing a recording to be replayed, the judge must consider what procedures to employ in order to protect the parties' rights. *Id.*

In this case, the court decided to replay recordings during jury deliberations. RP 318-21. The court made this decision in Ms. Fehr's absence. RP 318-21. This decision violated her state and federal constitutional rights to be present.

1. The hearing violated Ms. Fehr's right to be present under art. I, § 22.

The Washington State Constitution guarantees an accused person the right to "appear and defend in person." art. I, § 22. This right is interpreted separately from the federal right to be present. *Irby*, 170 Wn.2d at 885. The state constitutional right to appear and defend applies to every stage of the trial where the accused person's "substantial rights may be affected." *State v. Shutzler*, 82 Wash. 365, 367, 144 P. 284 (1914) (quoted by *Irby*, 170 Wn.2d at 885).

Courts indulge every reasonable presumption against waiver of a constitutional right. *State v. Stegall*, 124 Wn.2d 719, 730, 881 P.2d 979 (1994). Any waiver must be knowing, intelligent, and voluntary. *Id.*, at 725; *State v. Garza*, 150 Wn.2d 360, 367, 77 P.3d 347 (2003). Defense counsel is not empowered to waive the right on an accused person's behalf. *Larson v. Tansy*, 911 F.2d 392, 396 (10th Cir. 1990) (addressing federal right); *United States v. Gordon*, 829 F.2d 119, 125 (D.C. Cir. 1987) (same).

In this case, the jury asked to hear the recordings of the alleged transactions. RP 318. The court discussed the issue with counsel in Ms. Fehr's absence. The judge decided to allow jurors to hear the recordings. Ms. Fehr was not consulted before this decision was made. RP 318-321. There is no indication Ms. Fehr personally waived her right to be present.

This hearing violated Ms. Fehr's state constitutional right to be present. *Irby*, 170 Wn.2d at 885. Her substantial rights were at issue, because of the risk that the trial court's decision would place undue emphasis on a critical piece of prosecution evidence. *Koontz*, 145 Wn.2d at 657-58.

Ms. Fehr had a right to be present when the decision was made. *Shutzler*, 82 Wash. at 367; *Irby*, 170 Wn.2d at 885. Her interest in the judge's decision gave her that right, so she could observe the conduct of the hearing, monitor her attorney's performance, and provide input.

The trial court's violation of Ms. Fehr's state constitutional right to be present requires reversal. *Irby*, 170 Wn.2d at 885. Her convictions must be vacated and the case remanded for a new trial. *Id.*

2. The hearing violated Ms. Fehr's right to be present under the Sixth and Fourteenth Amendments.

An accused person has a fundamental federal right to be present for all critical stages of trial. *Irby*, 170 Wn.2d at 880-81 (*citing Rushen v.*

*Spain*, 464 U.S. 114, 117, 104 S.Ct. 453, 78 L.Ed.2d 267 (1983)). This right is rooted in the Sixth Amendment confrontation clause. *Id.*; U.S. Const. Amends. VI, XIV; art. I, § 22.

Additionally, due process guarantees the right to be present, even when the accused is not confronting adverse witnesses. U.S. Const. Amend. XIV; *Irby*, 170 Wn.2d at 881 (citing *Snyder v. Massachusetts*, 291 U.S. 97, 105-06, 54 S.Ct. 330, 78 L.Ed. 674 (1934) *overruled in part on other grounds by Malloy v. Hogan*, 378 U.S. 1, 17, 84 S.Ct. 1489, 12 L.Ed.2d 653 (1964)). This due process right applies whenever the accused person's presence has a reasonably substantial relation to the fullness of her opportunity to defend. *Irby*, 170 Wn.2d at 881.

The right to be present guarantees more than the opportunity to sit in the courtroom. *Irby*, 170 Wn.2d at 883. A primary purpose of the right is to afford the accused the opportunity to participate in his/her defense by communicating with counsel, making suggestions, or even "supersed[ing] his lawyers altogether." *Snyder*, 291 U.S. at 106; *see also Illinois v. Allen*, 397 U.S. 337, 344, 90 S.Ct. 1057, 25 L.Ed.2d 353 (1970); *Irby*, 170 Wn.2d at 883.

A trial judge's decision to replay critical evidence is an important stage of trial. *Koontz*, 145 Wn.2d at 657-58. Ms. Fehr should have had the opportunity to discuss her options with counsel before the trial judge

heard argument and decided to allow the recording to be replayed. Her presence had a reasonably substantial relation to the fullness of her opportunity to defend. *Irby*, 170 Wn.2d at 881. Had she been present, she may well have urged her attorney to argue against allowing the jury to hear the evidence again.

The trial court's violation of Ms. Fehr's federal constitutional right to be present requires reversal. *Irby*, 170 Wn.2d at 880-81. Her convictions must be vacated and the case remanded for a new trial. *Id.*

**II. THE COURT PROHIBITED MS. FEHR FROM PARTICIPATING IN HER DEFENSE IN VIOLATION OF HER RIGHTS UNDER THE SIXTH AND FOURTEENTH AMENDMENTS AND ART. I, § 22.**

A. Standard of Review.

Constitutional claims are reviewed *de novo*. *Zillyette*, 178 Wn.2d at 161. Constitutional violations require reversal unless the state can show that the violation was harmless beyond a reasonable doubt. *Irby*, 170 Wn.2d at 886.<sup>1</sup>

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<sup>1</sup> Manifest error affecting a constitutional right can be raised for the first time on appeal. RAP 2.5(a)(3).

B. The court denied Ms. Fehr her rights to be present, to due process, to confront adverse witnesses, and to “appear and defend in person” when it forbade her from responding to testimony.

As outlined above, the Fifth, Sixth, and Fourteenth Amendments guarantee an accused person the right to be present, the right to confront witnesses, and the right to due process. *Irby*, 170 Wn.2d at 880-81. The state constitution guarantees the right to appear and defend in person. Art. I, § 22; *Irby*, 170 Wn.2d at 885.

In this case, the trial judge infringed Ms. Fehr’s state and federal constitutional rights. Before her trial began, the court admonished Ms. Fehr as follows: “make sure you don’t show any disagreement, agreement or any responses to the testimony.” RP 6-7.

This directive prohibited Ms. Fehr from participating in her defense. By ordering her not to “show” any response, the judge violated her rights to be present, to confront adverse witnesses, to due process, and to appear and defend in person. The court’s order prevented her from communicating with her attorney, making suggestions, correcting any mistakes counsel made, or “superseding” her attorney, if necessary.

*Snyder*, 291 U.S. at 106; *Allen*, 397 U.S. at 344; *Irby*, 170 Wn.2d at 883.

It is impossible to determine what, if anything, Ms. Fehr may have said if she had not been admonished by the court. The state cannot show that the

court's error was harmless beyond a reasonable doubt. *Irby*, 170 Wn.2d 874, 886.

The trial court violated Ms. Fehr's rights to be present, to confront adverse witnesses, to due process, and to appear and defend in person when it prohibited her from participating in her own defense. *Irby*, 170 Wn.2d at 886. Ms. Fehr's conviction must be reversed. *Id.* at 887.

**III. THE TRIAL COURT'S ERRONEOUS INSTRUCTIONS REGARDING THE BUS STOP ENHANCEMENT VIOLATED MS. FEHR'S RIGHT TO DUE PROCESS AND HER RIGHT TO A JURY TRIAL, IN VIOLATION OF THE SIXTH AND FOURTEENTH AMENDMENT RIGHTS AND WASH. CONST. ART. I, §§ 21 AND 22.**

A. Standard of Review

Jury instructions are reviewed *de novo*. *State v. Smith*, 174 Wn. App. 359, 366, 298 P.3d 785 (2013) *review denied*, 178 Wn.2d 1008, 308 P.3d 643 (2013). A court's instructions must accurately state the law. *Id.* They must make the relevant legal standard manifestly apparent to the average juror. *Smith*, 174 Wn. App. at 369 (*quoting State v. Kylo*, 166 Wn.2d 856, 864, 215 P.3d 177 (2009)).

Failure to instruct on an element of a sentencing enhancement denies the accused the right to a fair trial. *State v. Williams-Walker*, 167 Wn.2d 889, 897, 225 P.3d 913 (2010). Instructing the jury in a manner relieving the state of its burden to prove each element beyond a reasonable

doubt creates a manifest error affecting a constitutional right and can be raised for the first time on appeal. *Smith*, 174 Wn. App. at 365; RAP 2.5(a)(3).

B. Ms. Fehr's sentence should not have been enhanced because the verdict does not reflect a jury finding that the state proved all the essential elements of the school bus stop enhancements.

Any fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury and proved beyond a reasonable doubt. U.S. Const. Amends. VI, XIV; art. I, § 21 and § 22.; *Apprendi v. New Jersey*, 530 U.S. 466, 476, 120 S.Ct. 2348, 147 L.Ed.2d 435 (2000); *Blakely v. Washington*, 542 U.S. 296, 303, 124 S.Ct. 2531, 159 L.Ed.2d 403 (2004). Imposition of an enhanced sentence without a proper jury finding on the underlying facts violates an accused person's right to due process and to a jury trial. *Blakely*, 542 U.S. at 303. In Washington, failure to submit such facts to the jury is not subject to harmless error analysis. *State v. Recuenco*, 163 Wn.2d 428, 440, 180 P.3d 1276 (2008) (citing art. I, § 21).

The right to a jury trial includes the right to have all elements that increase the punishment for an offense proven to the jury beyond a reasonable doubt. *Alleyne v. United States*, --- U.S. ---, 133 S.Ct. 2151, 186 L.Ed.2d 314 (2013); U.S. Const. Amends. VI; XIV; art. I, §§ 21, 22. Jury instructions must properly inform jurors of the applicable law and

permit each party to argue its theory of the case. *State v. Koch*, 157 Wn. App. 20, 33, 237 P.3d 287 (2010).

The state alleged that Ms. Fehr delivered methamphetamine within 1000 feet of a school bus route stop. CP 1-2; *see* RCW 69.50.435(1)(c). The court provided two instructions relating to this enhancement. Neither these instructions nor the special verdict form properly set forth all the elements required for imposition of the enhancements. CP 36-63.

Instruction No. 16 outlined the burden of proof regarding the special verdict. It did not include any substantive information regarding the enhancement. CP 54. Instruction No. 17 defined “school bus.” It did not provide any further information regarding the enhancement. CP 56. Each special verdict form asked jurors to determine whether delivery occurred “within one thousand feet of a *school bus stop route*...” CP 61-63.

This was error.

The language in the special verdict forms misstates the law. *See* RCW 69.50.435(1)(c). The phrase “bus stop route” suggests that a “yes” answer for the special verdict requires only a showing that the delivery occurred within 1000 feet of a school bus *route*—not a bus *stop*. The jury’s “yes” answers thus do not reflect a finding that the deliveries occurred within 1000 feet of a bus stop. CP 61-63.

The instructions relieved the state of its burden of proof and violated Ms. Fehr's right to a jury trial. *Alleyne*, ---U.S. \_\_\_\_\_. The jury's verdict did not reflect a jury finding on each essential element. Accordingly, the sentencing court lacked authority to impose the enhancement. This structural error is not subject to harmless error analysis. *Id.*; *Smith*, 174 Wn. App. at 359, 365.

Ms. Fehr's sentence must be vacated, and the case remanded for a new sentencing hearing. *Recuenco*, 163 Wn.2d at 440.

#### **IV. MS. FEHR RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL.**

##### **A. Standard of Review.**

Ineffective assistance of counsel is an issue of constitutional magnitude that can be raised for the first time on appeal. *Kyllo*, 166 Wn.2d at 862; RAP 2.5(a). Reversal is required if counsel's deficient performance prejudices the accused person. *Kyllo*, 166 Wn.2d at 862 (citing *Strickland v. Washington*, 466 U.S. 668, 687, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984)).

##### **B. Defense counsel provided effective assistance by failing to argue a proper basis for a lower sentence.**

The right to counsel includes the right to the effective assistance of counsel. U.S. Const. Amends. VI, XIV; *Strickland*, 466 U.S. at 685.

Counsel's performance is deficient if it (1) falls below an objective standard of reasonableness based on consideration of all of the circumstances and (2) cannot be justified as a tactical decision. U.S. Const. Amend VI; *Kyllo*, 166 Wn.2d at 862. The accused is prejudiced by counsel's deficient performance if there is a reasonable probability that it affected the outcome of the proceedings. *Id.*

A criminal defendant has a right to the effective assistance of counsel at sentencing. *Gardner v. Florida*, 430 U.S. 349, 358, 97 S.Ct. 1197, 51 L.Ed.2d 393 (1977). This includes a duty to investigate and present evidence and argument relating to mitigating factors. *See, e.g., Becton v. Barnett*, 2 F.3d 1149 (4<sup>th</sup> Cir. 1993).

In Washington, a sentencing judge may impose a prison term below the standard range if "[t]he operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive..." RCW 9.94A.535(1)(g). This mitigating factor applies when multiple delivery convictions result from a series of police-initiated controlled buys. *State v. Sanchez*, 69 Wn. App. 255, 263, 848 P.2d 208 (1993); *State v. Hortman*, 76 Wn. App. 454, 886 P.2d 234 (1994). Under such circumstances, the court's role

is to focus on the difference, if any, between the effects of the first controlled buy and the cumulative effects of subsequent controlled

buys. Where that difference is nonexistent, trivial or trifling, there is a basis in law for an exceptional sentence downward.

*Hortman*, 76 Wn. App at 461.<sup>2</sup>

Defense counsel's failure to seek an exceptional sentence on these grounds deprives the accused person of the effective assistance of counsel. *State v. McGill*, 112 Wn. App. 95, 47 P.3d 173 (2002).<sup>3</sup> In *McGill*, the defendant was convicted of three counts of delivery, following a series of police-initiated controlled buys. *Id.*, at 98. He appealed his standard range sentence, arguing that defense counsel was ineffective for failing to request an exceptional sentence under *Sanchez*. *Id.*, at 100. The Court of Appeals held that the defendant had been deprived of effective assistance at sentencing, vacated the defendant's sentence, and remanded for a new sentencing hearing. *Id.*, at 101.

In this case, as in *McGill*, Ms. Fehr was convicted of three counts of delivery, based on three police-initiated controlled buys. All three deliveries were for the same substance (methamphetamine); all three related to the same confidential informant; all three occurred within an 8-week period. RP 10-230. Under these circumstances, her attorney should

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<sup>2</sup> See also *State v. Fitch*, 78 Wn. App. 546, 897 P.2d 424 (1995); *State v. Bridges*, 104 Wn. App. 98, 15 P.3d 1047( 2001).

<sup>3</sup> But see *State v. Hernandez-Hernandez*, 104 Wn. App. 263, 15 P.3d 719 (2001).

have argued that police action artificially raised her offender score and made her seem more culpable than an offender convicted of only one count of delivery.

The police could have arrested Ms. Fehr after the first delivery. This would have resulted in only one conviction and only one 24-month enhancement. By delaying her arrest and initiating two more deliveries, the police artificially produced two more deliveries and two more 24-month enhancements.

Under these circumstances, counsel should have asked the court to impose an exceptional sentence below the standard range. *McGill*, 112 Wn. App. at 100-101. The effects of the second and third deliveries were trivial, given the harm caused by the first delivery. *Hortman*, 76 Wn. App. at 461. Although Ms. Fehr's offender score would have exceeded nine points even with just one charge, she would not have faced three mandatory 24-month enhancements.

Had the sentencing judge viewed counts two and three through the lens of *Sanchez*, she might well have imposed an exceptional sentence below the standard range, to mitigate the effects of the three mandatory 24-month enhancements. *McGill*, 112 Wn. App. at 100-101. Ms. Fehr was denied the effective assistance of counsel at sentencing. Accordingly

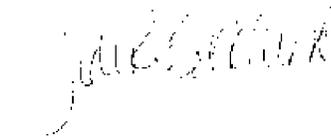
her sentence must be vacated and the case remanded to the trial court for a new sentencing hearing. *Id.*

**CONCLUSION**

Ms. Fehr's convictions must be reversed and the case remanded for a new trial.

Respectfully submitted on November 6, 2013,

**BACKLUND AND MISTRY**



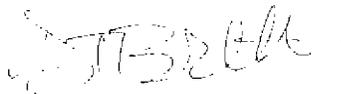
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Attorney for the Appellant



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Manek R. Mistry, WSBA No. 22922  
Attorney for the Appellant



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Skylar T. Brett, WSBA No. 45475  
Attorney for Appellant

CERTIFICATE OF SERVICE

I certify that on today's date:

I mailed a copy of Appellant's Opening Brief, postage prepaid, to:

Sandy Fehr, DOC #843426  
Washington Corrections Center for Women  
9601 Bujacich Rd. NW  
Gig Harbor, WA 98332

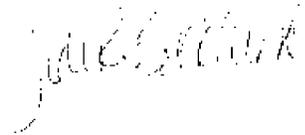
With the permission of the recipient(s), I delivered an electronic version of the brief, using the Court's filing portal, to:

Cowlitz County Prosecuting Attorney  
baurs@co.cowlitz.wa.us

I filed the Appellant's Opening Brief electronically with the Court of Appeals, Division II, through the Court's online filing system.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed at Olympia, Washington on November 6, 2013.



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Jodi R. Backlund, WSBA No. 22917  
Attorney for the Appellant

# BACKLUND & MISTRY

**November 06, 2013 - 11:43 AM**

## Transmittal Letter

Document Uploaded: 446430-Appellant's Brief.pdf

Case Name: State v. Sandy Fehr

Court of Appeals Case Number: 44643-0

**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: Appellant's

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

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Copy of Verbatim Report of Proceedings - No. of Volumes: \_\_\_\_

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Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

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### Comments:

No Comments were entered.

Sender Name: Manek R Mistry - Email: [backlundmistry@gmail.com](mailto:backlundmistry@gmail.com)

A copy of this document has been emailed to the following addresses:

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