

NO. 44825-4-II

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

STATE OF WASHINGTON,

Respondent,

v.

CHADWICK DONALD PRITCHARD,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF
KITSAP COUNTY, STATE OF WASHINGTON
Superior Court No. 12-1-01124-7

BRIEF OF RESPONDENT

RUSSELL D. HAUGE
Prosecuting Attorney

RANDALL A. SUTTON
Deputy Prosecuting Attorney

614 Division Street
Port Orchard, WA 98366
(360) 337-7174

SERVICE	Jan Trasen 1511 3rd Ave, Ste 701 Seattle, WA 98101 Email: jan@washapp.org	This brief was served, as stated below, via U.S. Mail or the recognized system of interoffice communications, <i>or, if an email address appears to the left, electronically.</i> I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. DATED December 20, 2013, Port Orchard, WA  Original e-filed at the Court of Appeals; Copy to counsel listed at left.
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I. COUNTERSTATEMENT OF THE ISSUES

1. Whether the trial court properly excluded as irrelevant the fact that Harvey pled guilty to possession of stolen property where Harvey's involvement in the burglary was before the jury, was undisputed, and as such his guilty plea to a lesser offense was in no way exculpatory as to Pritchard?

2. Whether the matter should be remanded to correct the list of prior offenses in the judgment? [PARTIAL CONCESSION OF ERROR]

II. STATEMENT OF THE CASE

A. PROCEDURAL HISTORY

Chadwick Donald Pritchard was charged by information filed in Kitsap County Superior Court with residential burglary as an accomplice and first-degree trafficking in stolen property. CP 12. A jury found him guilty as charged. CP 35. The trial court imposed a sentence within the standard range. CP 117-18.

B. FACTS

Kristopher Anderson and his fiancée, Rochelle Campbell, lived in Olalla. RP 50, 115. Over the Fourth of July holiday they went on a three-day trip to climb Mount Rainier. RP 50-51. When they arrived home, the door was open and a bunch of stuff was missing. RP 51. The missing

items included a safe, a gun, a lot of jewelry, a coin collection, a GPS and other random items. RP 51-52. They called the police. RP 52.

Deputy Donald Meserve came out and took a report. RP 52. When he arrived, he observed that the side door was pried open, the front door was wide open and there were smudge marks on the windows and the screens had been removed. RP 28.

Erik Christen was one of Anderson's best friends. RP 53. They had known each other for ten to 15 years. RP 53.

Anderson knew Chadwick Pritchard as Christen's roommate. RP 53. Anderson had hired Pritchard to fell some trees on his property. RP 54. Jared Harvey assisted Pritchard in the project. RP 55. That was the only time Anderson had met Harvey before the burglary. RP 53.

Pritchard had come over to Anderson's house one other time, to provide an estimate on turning the felled trees into firewood. RP 55. The second visit was a few days before the burglary. RP 55. Anderson told Pritchard he could not do the work the coming weekend because he was going to be away. RP 56. Pritchard "acted pretty excited about it – and how long [Anderson was] going to be gone." RP 56. The conversation was only with Pritchard; Harvey was not there. RP 56.

Anderson invited Pritchard into his home the day they discussed

the wood-splitting job. RP 77. It was the during this second visit that Anderson discussed going away. RP 77.

Shortly after the burglary, someone left something on Anderson's doorstep. RP 53. Anderson called Christen and told him he had found something that made him think Pritchard was responsible for the burglary. RP 56. Anderson went over to Christen's house. RP 57. Pritchard was there when Anderson arrived. RP 57. Harvey subsequently arrived at Anderson's request. RP 57-58.

Pritchard told Anderson that Harvey had done it, and asked Pritchard to get rid of the stolen items. RP 59. Pritchard said that he helped Harvey break into the safe with a sledgehammer and a crowbar, disposed of the things they did not want, and burned identifying documents. RP 60, 78-79, 85-86. Then Pritchard pawned the jewelry at Gold Buyers in the Mall. RP 60. Pritchard denied any involvement in the burglary. RP 83. Pritchard blamed Harvey for the burglary but admitted to taking the property to Gold Buyers and to disposing of the remainder in the woods. RP 84-85. Pritchard led Anderson to the safe, which had been dumped in the woods. RP 60.

Anderson then met with Deputy Richard Stoner at the Silverdale Mall. RP 34-35. Stoner went into the mall to Gold Buyers in the Mall and made inquiries. RP 36. The shop bought gold, coins, and jewelry. RP 41.

Before buying something, they do three different tests, get a copy of the seller's drivers license and their fingerprints. RP 41. When they purchase something, they issue a receipt. RP 41. The shop paid Pritchard \$176. RP 45. They produced a copy of Pritchard's Montana driver's license. RP 44.

Stoner later went back and retrieved some necklaces and rings from the shop. RP 36, 38. Anderson identified the recovered jewelry as his. RP 65. It was in the safe originally. RP 66.

Stoner attempted to locate Pritchard, through his family, but was unable to. RP 123.

Pritchard testified and denied discussing a bid on chopping up the firewood. RP 90. He claimed he was at Anderson's house the second time while Christen used Anderson's welder. RP 90. Anderson asked about firewood, and Pritchard told him he did not do that. RP 91. Pritchard had no recollection of Anderson mentioning going out of town. RP 91.

Pritchard then attempted to explain the pawning of the jewelry. He said that Harvey was supposed to help him with a job on July 5, but did not show up. RP 93. Pritchard had given him an advance. RP 93. Harvey said he had another job, and would pay him back, but needed a ride to the mall. RP 94. At the mall, Harvey pulled out a pack of jewelry.

RP 94. Harvey told him that the guy he worked for had paid him with the jewelry. RP 94. He also had a sawed-off shotgun in the pack. RP 95. They went into Gold Buyers, but Harvey did not have ID, so Pritchard let him use his. RP 95.

A few days later Christen told him about the burglary and mentioned that there was a sawed-off shotgun, and Pritchard made the connection. RP 95. He told Christen that he was pretty sure that he knew who did it. RP 96. He went to Christen's house and told Anderson that he knew what happened to the jewelry, but did not know about the other items. RP 98.

Anderson initially acted patient and understanding, but then he suddenly hit him. RP 98. Pritchard fell down, and then Anderson pulled a gun on him. RP 99. Anderson was pacing back and forth with the gun for about ten minutes when Harvey showed up. RP 99. Anderson confronted Harvey and told him he wanted his stuff back. RP 99. Pritchard told Harvey he needed to get Anderson's stuff back. RP 100. Pritchard never told Anderson that he taken any of the stuff. RP 100. He denied that he knew the jewelry was stolen. RP 100. Harvey told Anderson he knew where the safe was, and the four of them drove out to a spot to which Pritchard had not been before. RP 101. When they got back Pritchard's truck was gone, and his room had been ransacked, and cash and jewelry

taken and Christen told him he had to move out. RP 102. He heard no more of the incident until he was arrested after being stopped for speeding in September. RP 103.

On rebuttal Campbell denied Pritchard's claim that she was at Christen's when Pritchard was confronted about the burglary. RP 116. Anderson also confirmed that it was only the four men at Christen's. RP 120. He confirmed that Pritchard was the one who gave the directions to find the safe. RP 121. Anderson had also previously denied ever striking or pulling a gun on Pritchard. RP 67, 71.

III. ARGUMENT

A. THE TRIAL COURT PROPERLY EXCLUDED AS IRRELEVANT THE FACT THAT HARVEY PLED GUILTY TO POSSESSION OF STOLEN PROPERTY WHERE HARVEY'S INVOLVEMENT IN THE BURGLARY WAS BEFORE THE JURY, WAS UNDISPUTED, AND AS SUCH HIS GUILTY PLEA TO A LESSER OFFENSE WAS IN NO WAY EXCULPATORY AS TO PRITCHARD.

Pritchard argues that the trial court improperly excluded evidence that Harvey pled guilty to a lesser offense with regard to the charged crime. This claim is without merit because the evidence was irrelevant the where Harvey's involvement in the burglary was before the jury, was undisputed, and as such his guilty plea to a lesser offense was in no way exculpatory as to Pritchard.

The admission and exclusion of evidence are within the sound discretion of the trial court and, thus, are reviewed for abuse of discretion. *State v. Thomas*, 150 Wn.2d 821, 856, 83 P.3d 970 (2004). A decision to admit or exclude evidence, therefore, will be upheld absent an abuse of discretion, which may be found only when no reasonable person would have decided the same way. *Thomas*, 150 Wn.2d at 869.

Evidence is relevant if it has “any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” ER 401. Here, there was no dispute that Harvey was involved in the burglary. The State witnesses testified to it and Pritchard testified to it. The issue was whether Pritchard was *also* involved in it. Harvey’s guilty plea only served to bolster the undisputed former fact. It shed no light whatsoever on the salient issue: whether Pritchard was his accomplice. As such the trial court properly concluded that the fact that he pled guilty was not relevant.

In view of the foregoing, Pritchard’s reliance on *State v. Maupin*, 128 Wn.2d 918, 913 P.2d 808 (1996), is misplaced. This is not a classic “other suspect” case for the simple reason that the State’s theory included the other suspect, and the State’s witness (and Pritchard himself) testified about the other suspect. No one denied that Harvey was involved. The

evidence Pritchard sought to admit would merely have been cumulative to the uncontradicted testimony that Harvey was involved in the burglary. What Harvey's plea was utterly unable to do, however, was exculpate Pritchard. As such it was completely irrelevant.

Pritchard argues that without evidence of the plea, "the jury could draw no other conclusion but that Mr. Pritchard had individually committed the acts of which he was accused." Brief of Appellant, at 9-10. This contention is absurd. The only evidence presented to the jury was that the two men worked in concert.

Pritchard goes on to argue that if his plea had been presented to the jury, it "would have understood that Mr. Harvey had taken responsibility for the crime, and the impact of the victim's testimony would have been greatly reduced. The jury would have been presented with another explanation for the alleged victim's allegations – the defense theory – that Mr. Harvey had burglarized Mr. Anderson's home and Mr. Pritchard had only been responsible for helping with the stolen goods." Unfortunately, this claim is also belied by the record. As Pritchard notes, what Harvey pled to was possession of stolen property. RP 75-76. Harvey thus *did not* take responsibility for the burglary. Following Pritchard's reasoning, this evidence would have supported the State's case, not his.

With regard to the constitutional aspect of Pritchard's claim, a

defendant's constitutional right to present evidence in support of his case is limited by the requirement that the proffered evidence not be "otherwise inadmissible." *State v. Rehak*, 67 Wn. App. 157, 162, 834 P.2d 651 (1992), *review denied*, 120 Wn.2d 1022, *cert. denied*, 508 U.S. 953 (1993). This is because "a criminal defendant has no constitutional right to have irrelevant evidence admitted." *State v. Hudlow*, 99 Wn.2d 1, 15, 659 P.2d 514 (1983). Since the evidence Pritchard proffered was not relevant, the trial court's ruling did not violate his constitutional right to present a defense.

Finally, in view of the foregoing, an purported error would be harmless. The jury was made well aware of Harvey's involvement in the burglary. Introduction of the fact that he pled guilty to possession of stolen property, and *not* burglary would in no way have made Pritchard's involvement in the burglary less likely. Nor would it therefore have affected the verdict. This claim should be rejected.

B. THE MATTER SHOULD BE REMANDED TO AMEND THE JUDGMENT TO CORRECT THE CRIMINAL HISTORY LIST.

Pritchard next claims that he is entitled to be resentenced. This claim is without merit because although two items should be stricken from his criminal history, his offender score remains above nine, and his standard sentencing range will remain unchanged.

1. Same criminal conduct

Pritchard correctly notes that the trial court erred in not finding that the forgeries in Counts I and IV in Jefferson County Cause No. 98-1-00011-8, were same criminal conduct in light of the finding of the original Jefferson County sentencing judge. *See* CP 77. Those two forgeries should therefore only have counted as one point in the offender score.

To the extent that he argues, Brief of Appellant, at 16, that the State failed to meet its burden on the remaining counts in that case, the argument is baseless. First, as noted, the 1998 trial court specifically found that Counts I and IV were same criminal conduct. The obvious conclusion is that the remaining counts, II, III, and V, were not. Moreover, the certified copy of the judgment shows that the counts (even I and IV) were all committed on different dates. CP 76. Finally, the certified copy of the information, which was also filed at sentencing, also shows that Counts I, II, III and v. all occurred on different dates over a span of more than two weeks and each involved a different check number.¹ CP 73-74. Forgeries occurring on different days do not constitute the same criminal conduct. *State v. Young*, 97 Wn. App. 235, 984 P.2d 1050 (1999). The State therefore met its burden of proof as to Counts I, II, III and V. Only Count IV should not count in Pritchard's offender score.

¹ According to the information Counts I and IV occurred one day apart and involved the same check.

2. Reversal of prior on appeal

Pritchard next argues, without any record support, that his 1996 burglary conviction in Jefferson County Cause No. 96-8-00048-6 was reversed on appeal and should not have been counted in his offender score. Citing *State v. Cabrera*, 73 Wn. App. 165, 868 P.2d 179 (1994), he asserts that “failed to produce any evidence that this prior conviction was valid.” Brief of Appellant, at 18. Actually the State filed a certified copy of the Judgment and Sentence, CP 65, the very document that *Cabrera* states is “the best evidence of a prior conviction.” *Cabrera*, 73 Wn. App. at 168; accord *State v. Hunley*, 175 Wn.2d 901, 910, 287 P.3d 584 (2012).

Pritchard appears to argue that because the defendant orally claimed that this conviction was overturned on appeal, the State’s proof was insufficient. He ignores, however that the State’s burden is proof by a preponderance of the evidence. The State’s submission of a certified copy of the judgment was more enough to meet this standard.

The State has been unable to find any case regarding the State’s burden where there is a bald allegation that the conviction was since declared invalid. Certainly, however, the case law where a prior offense is an element, and thus must be proven beyond a reasonable doubt, *see State v. Swindell*, 93 Wn.2d 192, 196-97, 607 P.2d 852 (1980), is instructive.

In such cases, a defendant may raise a defense by challenging the constitutional validity of the predicate conviction. *State v. Summers*, 120 Wn.2d 801, 812, 846 P.2d 490 (1993). But, in raising this defense, the defendant bears the initial burden of offering a *colorable, fact-specific argument supporting the claim of constitutional error in the prior conviction*. *Summers*, 120 Wn.2d at 812. The State then must prove beyond a reasonable doubt that the predicate conviction is constitutionally sound. *Summers*, 120 Wn.2d at 812. The State's burden arises only after the defendant has made an initial showing. *Summers*, 120 Wn.2d at 812.

Pritchard did not meet even this minimal burden here, essentially (under his present conception the State's burden) requiring the State to prove a negative. At sentencing he presented the following claim:

MR. MORRISON: ... And it's also my understanding that one of the burglary charges came back on appeal. ... But one of the burglaries, it's my understanding, came back on appeal.

THE COURT: Got any evidence of that?

MR. MORRISON: Well, I don't have any evidence of that. It's just from my client. He stated it came back on appeal; it's reversed.

RP (4/26) 4. While it may be a simple matter for the State to track down judgments and sentences, determining whether a facially valid and duly-certified judgment has been reversed on appeal or vacated in a collateral proceeding is entirely another matter. It would seem that it would not be asking too much, once the State has provided proof of the existence of a

facially valid conviction, for the defendant to produce some support other than a bald assertion that the conviction has been overturned.

In any event, the undersigned has looked into the matter in this case, and has determined, according to ACORDS, that the judgment in Jefferson County Cause No. 96-8-00048-6 was reversed on appeal. *State v. Chadwick Pritchard*, No. 20920-9-II (Mar. 6, 1998). App. A. Because the State cannot maintain in good faith that a demonstrably reversed conviction should be included in the offender score it would also concede that this offense should be excluded from the score.

3. Remand

Pritchard's offender score would normally need to be corrected on remand. However, because the judgment and sentence reads "9+" for the offender score, it is technically correct. Moreover, because his offender score remains well over 9, his sentencing range remains the same as well. After striking one of the two doubled forgeries in the 1998 case, and the conviction from the 1996 case, Pritchard's offender score should read as follows:²

² See App. B.

Offense	Number	x	Multiplier	=	Points
<i>Adult</i>					
Burglary	1	x	2	=	2
Other Felonies	7	x	1	=	7
<i>Juvenile</i>					
Burglary	2	x	1	=	2
Other Felonies	3	x	.5	=	1
<i>Other Current</i>					
Other Felonies	1	x	1	=	1
Total					13

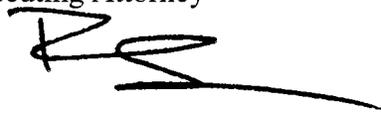
Therefore, at most, the judgment should be amended to strike reference in the criminal history to Count IV from the 1998 case, and to the burglary from the 1996 case.

IV. CONCLUSION

For the foregoing reasons, Pritchard’s conviction and sentence should be affirmed, and the cause remanded to strike the two improper items from the offender score list.

DATED December 20, 2013.

Respectfully submitted,
RUSSELL D. HAUGE
Prosecuting Attorney



RANDALL A. SUTTON
WSBA No. 27858
Deputy Prosecuting Attorney

APPENDIX A

Basic Case Information

Appellate Case Number	209209
Review Type	Notice of Appeal
Date Received	08/07/1996
Court of Origin	
Trial Court	JEFFERSON COUNTY SUPERIOR COURT
Trial Court Case No.	968000486
Trial Judge Name	MAJHAN, THOMAS J
Case Type	JUVENILE OFFENDER
Trial Court Judgment Date	06/11/1996
Date Filed	07/05/1996
Filing Fee	Forma Pauperis
Internal Case Notes	Sealed Notes

CASE EVENTS # 209209

Date	Item	Action	Participant
06/29/1998	Letter <i>Comment: Exhibit #1 Rec'd by Jefferson Cty</i>	Received by Court	
06/18/1998	Exhibit <i>Comment: Returned to County</i>	Sent by Court	
04/28/1998	Mandate	Filed	
04/28/1998	Disposed	Status Changed	
03/06/1998	Opinion Publishing Status: Unpublished Publishing Decision: Reversed Opinion Type: Majority Opinion Number: 209209-98-3-6 JUDGE: Bridgewater C. C. ROLE: Authoring JUDGE: Houghton Elaine ROLE: Concurring JUDGE: Hunt J. Robin ROLE: Concurring <i>Comment: U-Reversed</i>	Filed	BRIDGEWATER, C. C.
03/06/1998	Decision Filed	Status Changed	
02/23/1998	Set on a calendar <i>Comment: Bridgewater,houghton,hunt</i>	Status Changed	
02/11/1998	Letter <i>Comment: Noa Setting Letter</i>	Sent by Court	
01/06/1998	Notice of Substitution of Counsel <i>Comment: Jill Landes Substitutes as Dep Pros in Place of Juelanne Dalzell</i>	Filed	LANDES, JILL
12/02/1997	Appellants Reply brief <i>Comment: Pm 12-1-97 (thanksgiving Holiday)</i>	Filed	DAVIES, RICHARD LLEWELLYN
10/24/1997	Respondents brief <i>Comment: 2-14-97 Notmot\see 8-19-97 order</i>	Filed	DALZELL, JUELANNE B.
10/24/1997	Ready	Status Changed	
08/22/1997	Exhibit <i>Comment: Returned from Jefferson County (placed Back in Pouch) **mandate Returned as Well</i>	Received by Court	

08/20/1997	Decision on Motions <i>Comment: Order Recalling Mandate & Reinstating Appeal Jeff. Cty Clerk to Return Exhibits & Mandate</i>	Filed	HOUGHTON, ELAINE
07/25/1997	Motion on the Merits to Reverse Motion Status: Received, Pending Action <i>Comment: W/service</i>	Filed	DAVIES, RICHARD LLEWELLYN
07/25/1997	Telephone Call <i>Comment: App Counsel States He Did not Agree to Dismissal & this matter Should be Reinstated, Mandate Recalled</i>	Received by Court	
07/24/1997	Letter <i>Comment: Exhibit Rec'd from Jefferson County</i>	Received by Court	
07/22/1997	Letter <i>Comment: Returning Exhibit #1</i>	Sent by Court	
07/22/1997	Mandate <i>Comment: **recalled 8-19-97</i>	Filed	
07/21/1997	Decision terminating Review <i>Comment: Ruling Dismissing Appeal Upon Stipulation **w/drawn, see 8-19-97 order</i>	Filed	SKERLEC, ERNETTA G
06/03/1997	Supplemental Pleadings <i>Comment: Response from Counsel to 5-29-97 Letter (holding Agreed motion for Reversal)</i>	Filed	
05/29/1997	Letter <i>Comment: (per Commissioner) this Court Will not Dismiss Trial Court on Stipulation. If the Coa Issues a Ruling of Dismissal, it Merely Dismisses the Appeal. Counsel to Inform Coa Asap as to How to Proceed</i>	Sent by Court	PONZOHA, DAVID
04/10/1997	Motion for Dismissal Motion Status: Decision filed <i>Comment: **stipulated to by Appellant** 6-3-97 Respondent Reiterates Its Desire to Dismiss</i>	Filed	DALZELL, JUELANNE B.
04/03/1997	Court's Mot for Sanct for Fail to file Calendar Type: Commissioner's Oral Argument Motion Calendar Hearing Date: 05/07/1997 Hearing Time: 11:00 AM	Filed	

	Hearing Location: None Motion Status: Stricken / Vacated		
02/14/1997	Decision on Motions <i>Comment: Res is granted an Ext of time to 3-16-97 to file the Res brief</i>	Filed	PONZOHA, DAVID
02/11/1997	Motion to Extend Time to File Motion Status: Decision filed	Filed	DALZELL, JUELANNE B.
12/18/1996	Appellants brief <i>Comment: Holding in Screening Box **7-25-97 Mmt to Reverse filed</i>	Filed	DAVIES, RICHARD LLEWELLYN
12/03/1996	Report of Proceedings <i>Comment: 1 Vol. Containing 5-14-96 & 6-11-96 Hearing Dates</i>	Received by Court	DAVIES, RICHARD LLEWELLYN
12/03/1996	Exhibit <i>Comment: Exh #1 in Envelope in Pouch</i>	Filed	DAVIES, RICHARD LLEWELLYN
12/03/1996	Clerk's Papers <i>Comment: 1 Vol.</i>	Filed	DAVIES, RICHARD LLEWELLYN
11/21/1996	Report of Proceedings <i>Comment: May 14, 1996 & June 11, 1996 Hearing Dates</i>	Filed	DAVIES, RICHARD LLEWELLYN
11/21/1996	Record Ready	Status Changed	
09/30/1996	Statement of Arrangements <i>Comment: Ct Reporter: Lynn Dewitt</i>	Filed	DAVIES, RICHARD LLEWELLYN
09/30/1996	Designation of Clerks Papers <i>Comment: Includes One Exhibit -- Confession</i>	Filed	DAVIES, RICHARD LLEWELLYN
09/10/1996	Letter <i>Comment: Perfection Ntc</i>	Sent by Court	PONZOHA, DAVID
09/06/1996	Response to motion <i>Comment: Response to motion Regarding Appealability {takes Care of Appealability Issue Per Clerk}</i>	Filed	DAVIES, RICHARD LLEWELLYN
08/08/1996	Court's Mot to Determine Appealability Calendar Type: Commissioner's Oral Argument Motion Calendar	Filed	PONZOHA, DAVID

	Hearing Date: 09/11/1996 Hearing Time: 9:00 AM Hearing Location: None Motion Status: Stricken / Vacated <i>Comment: Gplea-Srs</i>		
08/08/1996	Letter <i>Comment: Placing on Motcal to Determine Appealability--Gplea-Srs</i>	Sent by Court	PONZOHA, DAVID
07/17/1996	Order of Indigency in Superior Court <i>Comment: Cover Most Expenses & Appts Counsel (davies) **filed W/trial Court 7-9-96</i>	Filed	
07/17/1996	Notice of Appeal <i>Comment: Service by County Gplea-Srs</i>	Filed	
07/05/1996	Case Received and Pending	Status Changed	

APPENDIX B

BURGLARY, RESIDENTIAL

(RCW 9A.52.025)

CLASS B - NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.525(16))

ADULT HISTORY:

Enter number of Burglary 1 convictions x 2 = _____
 Enter number of Burglary 2 or Residential Burglary convictions x 2 = _____
 Enter number of other felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of Burglary 1 dispositions x 2 = _____
 Enter number of Burglary 2 or Residential Burglary dispositions x 1 = _____
 Enter number of serious violent and violent felony dispositions x 1 = _____
 Enter number of nonviolent felony dispositions x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of Burglary 1 convictions x 2 = _____
 Enter number of other Burglary 2 or Residential Burglary convictions x 2 = _____
 Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community custody on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the **Offender Score**
 (Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IV)	3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.595).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-8 or III-9 to calculate the enhanced sentence.
- D. For a finding that this offense was committed with sexual motivation (RCW 9.94A.533(8)) on or after 7/01/2006, see page III-10, Sexual Motivation Enhancement – Form C.
- E. If the current offense was a gang-related felony and the court found the offender involved a minor in the commission of the offense by threat or by compensation (RCW 9.94A.833), the standard sentencing range for the current offense is multiplied by 125%. See RCW 9.94A.533(10).

- *Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021(1))*

III. SENTENCING OPTIONS

- I. First-Time Offender Wavier; for eligibility and sentencing rules see RCW 9.94A.650
- II. Alternative to Total Confinement; for eligibility and rules see RCW 9.94A.680.
- III. Home Detention Alternative; for eligibility and conditions; See RCW 9.94A.734(2)
- IV. Work Ethic Camp; for eligibility and sentencing rules see RCW 9.94A.690.
- V. Drug Offender Sentencing Alternative; for eligibility and sentencing rules see RCW 9.94A.660.

Although the Washington Sentencing Guidelines Commission does all that it can to assure the accuracy of its publications, the scoring sheets are intended to provide assistance in most cases but do not cover all permutations of the scoring rules. If you find any errors or omissions, we encourage you to report them to the Sentencing Guidelines Commission

KITSAP COUNTY PROSECUTOR

December 20, 2013 - 9:11 AM

Transmittal Letter

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Case Name: STATE OF WASHINGTON VS CHADWICK PRITCHARD

Court of Appeals Case Number: 44825-4

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

Petition for Review (PRV)

Other: _____

Comments:

No Comments were entered.

Sender Name: Lori A Vogel - Email: lvogel@co.kitsap.wa.us