

FILED

MAR 10, 2014

Court of Appeals
Division III
State of Washington

31999-7-III

COURT OF APPEALS

DIVISION III

OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, RESPONDENT

v.

DANNY S. HERRON, APPELLANT

APPEAL FROM THE SUPERIOR COURT

OF SPOKANE COUNTY

APPELLANT'S REPLY BRIEF

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INDEX

A.	ARGUMENT	1
B.	CONCLUSION.....	1

A. ARGUMENT

The State concedes: “An exceptional sentence was not imposed in this case so the minimums should have been set at somewhere in the range of 33-43 months on count IV and 46-61 months on count V. This was not done.” Resp. Br. at p. 4. Whether the court’s failure to set minimum standard range sentences constituted an exceptional sentence is irrelevant in light of this concession.

B. CONCLUSION

The matter should be remanded to the trial court with instructions to set a minimum sentence within the standard range for each of the counts of which Mr. Herron was convicted.

Dated this 10th day of March, 2014.

JANET GEMBERLING, P.S.


Janet G. Gemberling #13489
Attorney for Appellant

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON,

DIVISION III

STATE OF WASHINGTON,)	
)	
Respondent,)	No. 31999-7-III
)	
vs.)	CERTIFICATE
)	OF MAILING
DANNY S. HERRON,)	
)	
Appellant.)	

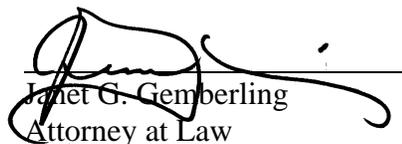
I certify under penalty of perjury under the laws of the State of Washington that on March 10, 2014, I served a copy of the Appellant's Reply Brief in this matter by email on the following party, receipt confirmed, pursuant to the parties' agreement:

Mark E. Lindsey
kowens@spokanecounty.org

I certify under penalty of perjury under the laws of the State of Washington that on March 10, 2014, I mailed a copy of the Appellant's Reply Brief in this matter to:

Danny S. Herron
#970034
Airway Heights Correction Center
PO Box 1899
Airway Heights, WA 99001

Signed at Spokane, Washington on March 10, 2014.


Janet G. Gemberling
Attorney at Law