

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
11/2/2018 4:45 PM  
BY SUSAN L. CARLSON  
CLERK

NO. 959927

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

---

STATE OF WASHINGTON,  
Petitioner,

v.

JAMES AUSTIN YANCEY,  
Respondent.

---

RESPONDENT'S SUPPLEMENTAL BRIEF

---

TANESHA LA'TRELLE CANZATER  
Attorney for James Austin Yancey  
Post Office Box 29737  
Bellingham, Washington 98228-1737  
(360) 362-2435

## TABLE OF CONTENTS

I. <u>SUPPLEMENTAL STATEMENT OF THE CASE</u> .....	1
II. <u>SUPPLEMENTAL ISSUES PRESENTED</u> .....	1
III. <u>ARGUMENT</u> .....	2
A. <u>MOHAMED EMBODIES THE APPROACH THE LEGISLATURE INTENDS FOR COURTS TO USE WHEN THEY IMPOSE THE RESIDENTIAL DOSA.</u> .....	2
1. <u>The phrase “the court shall waive imposition of a sentence within the standard sentence range” expressly authorizes the court waive the standard sentence range</u> .....	4
2. <u>The majority’s interpretation of the trial judge’s authority to waive the standard sentence range takes in context the entire statutory provision</u> .....	6
3. <u>The majority’s interpretation of Mohamed does not read in an exceptional sentence authority</u> .....	8
B. <u>WAIVING THE STANDARD SENTENCE RANGE TO IMPOSE A DOSA DOES NOT CREATE AN UNLAWFUL HYBRID SENTENCE</u> .....	10
IV. <u>CONCLUSION</u> .....	12

## **TABLE OF AUTHORITIES**

### **Washington State Supreme Court Decisions**

<u>Dep't of Ecology v. Campbell &amp; Gwinn, LLC,</u> <u>146 Wn.2d 1, 9, 43 P.3d 4 (2002)</u> .....	2
<u>Hangman Ridge Training Stables, Inc. v. Safeco Title Ins. Co.,</u> <u>105 Wn. 2d 778, 789, 719 P.2d 531 (1986)</u> .....	8
<u>In re Recall of Pearsall-Stipek, 141 Wn.2d 756, 767,</u> <u>10 P.3d 1034, 1041 (2000)</u> .....	5
<u>Nyland v. Department of Labor &amp; Indus., 41 Wn.2d 511,</u> <u>513, 250 P.2d 551 (1952)</u> .....	8
<u>State v. Ammons, 105 Wn.2d 175, 180, 713 P.2d 719,</u> <u>718 P.2d 796 (1986)</u> .....	4
<u>State v. Coe, 109 Wn.2d 832, 846, 750 P.2d 208 (1988)</u> .....	8
<u>State v. Grayson, 154 Wn.2d 333, 337,</u> <u>111 P.3d 1183 (2005)</u> .....	2, 3, 5, 11
<u>State ex rel. Great N. Ry. v. R.R. Comm'n of Wash.,</u> <u>52 Wn. 33, 36, 100 P. 184 (1909)</u> .....	2
<u>State v. Jackson, 150 Wn.2d 251, 273, 76 P.3d 217 (2003)</u> .....	8
<u>State v. J.P., 149 Wn.2d 444, 450, 69 P.3d 318 (2003)</u> .....	2
<u>State v. Pennington, 112 Wn.2d 606, 610, 772 P.2d 1009 (1989)</u> ..	8
<u>State v. Pillatos, 159 Wn.2d 459, 469,</u> <u>150 P.3d 1130, 1134 (2007)</u> .....	4
<u>State v. Williams, 158 Wn.2d 904, 908, 148 P.3d 993 (2006)</u> .....	2
<u>Walker v. City of Spokane, 62 Wn. 312, 318, 113 P. 775 (1911)</u> .....	2

**Washington State Court of Appeals Decisions**

Greenwood v. Department of Motor Vehicles, 13 Wn. App. 624, 628, 536 P.2d 644 (1975) .....5

In re Bercier, 178 Wn. App. 148, 150-51, 313 P.3d 491-492 (2013) .....2

Pierce v. Yakima County, 161 Wn. App. 791, 800-01, 251 P.3d 270 (2011) .....5

State v. Boze, 47 Wn. App. 477, 735 P.2d 696 (1987) .....4

State v. Conners, 90 Wn. App.48, 53, 950 P.2d 519 (1998).....4

State v. Garcia-Martinez, 88 Wn. App. 322, 330, 944 P.2d 1104 (1997) .....5

State v. Gronnert, 122 Wn. App. 214, 226, 93 P.3d 200, 206 (2004) .....4

State v. Kane, 101 Wn. App. 607, 609, 5 P.3d 741 (2000) .....2

State v. Mohamed, 187 Wn. App. 630, 634, 350 P.3d 671 (2015) ..... 1, 2, 3, 7, 8, 9, 10

State v. Murray, 128 Wn. App. 718, 725-26, 116 P.3d 1072 (2005) .....3, 8, 10, 11, 12

State v. Smith, 142, Wn. App. 122, 129, 173 P.3d 973 (2007) ..5, 11

State v. Yancey, 418 P.3d. 157, 163 (Wash. Ct. App.) review granted, 426 P.3d 744 (2018)..... 1, 3, 6, 7, 9

**Revised Code of Washington**

RCW 9.94A.535.....8

RCW 9.94A.535(1) .....8

RCW 9.94A.655.....9

RCW 9.94A.650(2) .....4

<u>RCW 9.94A.655(4)</u> .....	4
<u>RCW 9.94A.660</u> .....	3, 5
<u>RCW 9.94A.660(1)</u> .....	10
<u>RCW 9.94A.660(3)</u> .....	3, 4, 5, 6, 7, 9
<u>RCW 9.94A.660(5)(a)-(b)</u> .....	3

**Session Laws of Washington State**

<u>Laws of 1995, ch. 108</u> .....	2
<u>Laws of 2005, ch. 460</u> .....	3

## I. SUPPLEMENTAL STATEMENT OF THE CASE

James Yancey (Mr. Yancey), the respondent here, relies on facts from the majority as well as from the dissent in State v. Yancey, 418 P.3d 157, 158 (Wash. Ct. App.), review granted, 426 P.3d 744 (Wash. 2018).

## II. SUPPLEMENTAL ISSUES PRESENTED

1. The majority here relies on State v. Mohamed, 187 Wn. App. 630, 641, 350 P.3d 671 (2015) to clarify a trial court's authority to waive sentence enhancements and impose a residential drug offender sentence alternative, or DOSA. The dissent maintains Mohamed should be rejected because it reads in an exceptional sentence authority that is inappropriate and conflicts with other case law that prohibits trial courts from using exceptional sentence authority to change the midpoint on which a DOSA sentence is based. Does Mohamed misread the DOSA statute?

2. Our courts have found a downward exceptional sentence, based on the trial court's subjective opinion, is not authorized, and a hybrid exceptional and DOSA sentence is improper. Here, the dissent argues the majority's interpretation for how the DOSA statute works improperly authorizes exceptional sentence authority that allows courts to change the midpoint on which a DOSA is based. Does a trial court fashion a "hybrid" sentence that changes the DOSA midpoint when it waives sentence enhancements to impose a residential DOSA?

### III. ARGUMENT

#### A. MOHAMED EMBODIES THE APPROACH THE LEGISLATURE INTENDS FOR COURTS TO USE WHEN THEY IMPOSE THE RESIDENTIAL DOSA.

##### Standard of review

Statutory interpretation is a question of law this court reviews de novo. State v. Williams, 158 Wn.2d 904, 908, 148 P.3d 993 (2006). When interpreting a statute, this court must “discern and implement” our legislature’s intent. State v. J.P., 149 Wn.2d 444, 450, 69 P.3d 318 (2003); see State ex rel. Great N. Ry. v. R.R. Comm’n of Wash, 52 Wn. 33, 36, 100 P. 184 (1909). If the statute’s meaning is plain, this court must effectuate it as an expression of our legislature’s intent. Dep’t of Ecology v. Campbell & Gwinn, LLC, 146 Wn2d 1, 9, 43 P.3d 4 (2002); Walker v. City of Spokane, 62 Wn. 312, 318, 113 P. 775 (1911); In re Bercier, 178 Wn. App. 148, 150–51, 313 P.3d 491, 492 (2013).

##### Law and Analysis

Our legislature enacted the Drug Offender Sentencing Alternative, or DOSA, under RCW 9.94A.660, to provide offenders with substance abuse problems a treatment-oriented alternative to the standard sentence that would otherwise be required under the Sentencing Reform Act, or SRA. State v. Kane, 101 Wn. App. 607, 609, 5 P.3d 741 (2000) (citing Laws of 1995, ch. 108). Under the DOSA program, an eligible offender serves less time in prison and more time in community custody. At the same time, the offender is subject to increased supervision and is required to undergo substance abuse treatment. RCW 9.94A.660(5)(a)-(b); State v. Grayson, 154 Wn.2d 333, 337, 111 P.3d 1183

(2005). The legislature modified the DOSA and created a “residential” DOSA, which allows offenders to receive chemical-dependency treatment in the community in lieu of confinement. See Laws of 2005, ch. 460.

Our legislature entrusted trial courts with broad discretion to impose either the prison-based or the residential DOSA, if an offender meets the statutory criteria. RCW 9.94A.660. While the SRA vests broad discretion in the trial judge’s hands, the trial judge must still exercise this discretion in conformity with the law. State v. Grayson, 154 Wn. 2d 333, 335, 111 P.3d 1183, 1184 (2005).

Here, the dissent criticizes the majority for misreading the DOSA statute so as to allow the trial court to “alter” the standard range in order to make Mr. Yancey fit in a local treatment program instead of the state prison program. This, according to the dissent is wrong, and the error is three-fold. State v. Yancey, 418 P.3d 157, 163 (Wash. Ct. App.), review granted, 426 P.3d 744 (2018).

First, nothing in the phrase “the court shall waive imposition of a sentence within the standard sentence range” conveys authority to alter a standard range sentence. Second, the way the majority interprets the language is inconsistent with the rest of the statute. And, finally, State v. Mohamed, 187 Wn. App. 630, 641, 350 P.3d 671 (2015) the case the majority relies on, reads in an exceptional sentence authority that is inappropriate and that essentially overrules State v. Murray, 128 Wn. App. 718, 725-26, 116 P.3d 1072 (2005). Id.

The way the dissent interprets trial courts’ authority under RCW 9.94A.660(3) and court rulings defies what the legislature intends, and here is why.

1. The phrase “**the court shall waive imposition of a sentence within the standard sentence range**” expressly tells the court to waive the standard sentence range.

Fixing legal punishments for criminal offenses is a legislative function. State v. Ammons, 105 Wn.2d 175, 180, 713 P.2d 719, 718 P.2d 796 (1986). That means only the legislature and not the judiciary can alter the sentencing process. Ammons, 105 Wn.2d at 180, 718 P.2d 796; State v. Pillatos, 159 Wn. 2d 459, 469, 150 P.3d 1130, 1134 (2007). Although the legislature has the authority to establish the penalties for crimes, it “may grant the trial court discretion in sentencing.” State v. Gronnert, 122 Wn. App. 214, 226, 93 P.3d 200, 206 (2004). For example, in RCW 9.94A.660(3), the legislature expressly grants trial courts authority to waive sentences within the standard range, if they determine offenders are eligible for sentencing alternatives. It provides, “*the court shall waive imposition of a sentence within the standard sentence range...*” The dissent maintains the phrase is essentially “standard language” the legislature uses in all sentence alternatives to convey to trial courts the authority to choose an alternative sentence instead of a standard range sentence. See, e.g., RCW 9.94A.650(2) (first offenders: may waive imposition of a standard sentence range); RCW 9.94A.655(4) (parent’s sentencing alternative: shall waive imposition of a standard sentence range).

Granted, the decision whether to impose a sentence alternative rests in the sentencing court’s discretion. State v. Conners, 90 Wn. App. 48, 53, 950 P.2d 519 (1998); or in refusing to grant this option, State v. Boze, 47 Wn. App. 477, 735 P.2d 696 (1987). If the offender meets the statutory criteria, the statute

gives the trial court broad discretion to grant a DOSA. RCW 9.94A.660; See RCW 9.94A.660(3); State v. Smith, 142 Wn. App. 122, 129, 173 P.3d 973 (2007).

And, trial courts are expected to exercise that discretion. In fact, if a trial court fails to exercise its discretion by categorically refusing to consider a sentencing alternative as authorized by statute when a defendant requests one, or by refusing to consider it for a class of offenders, the trial court's decision is subject to be reversed. State v. Garcia-Martinez, 88 Wn. App. 322, 330, 944 P.2d 1104 (1997).

However, the phrase, "*the court shall waive imposition of a sentence within the standard sentence range...*" is more than just "standard language." [T]he drafters of legislation ... are presumed to have used no superfluous words and courts must accord meaning, if possible, to every word in a statute. Greenwood v. Department of Motor Vehicles, 13 Wn. App. 624, 628, 536 P.2d 644 (1975); In re Recall of Pearsall-Stipek, 141 Wn.2d 756, 767, 10 P.3d 1034, 1041 (2000). The word "waive," is a verb that denotes action and the auxiliary verb "shall," indicates the action to waive the standard sentence range is mandatory. Pierce v. Yakima County, 161 Wn. App. 791, 800–01, 251 P.3d 270 (2011). So, under a plain meaning interpretation, the phrase unambiguously grants trial courts authority to waive standard sentence ranges to meet the statute's objectives. State v. Grayson, 154 Wn.2d 333, 337, 111 P.3d 1183 (2005).

2. The majority's interpretation of the trial judge's authority to waive the standard sentence range takes in context the entire statutory provision.

RCW 9.94A.660(3) reads,

If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, *the court shall waive imposition of a sentence within the standard sentence range* and impose a sentence consisting of either a prison-based alternative under RCW 9.94A.662 or a residential chemical dependency treatment-based alternative under RCW 9.94A.664. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

(Emphasis added).

The dissent criticizes the way the majority interprets the trial court's authority under the phrase, emphasized above, as inconsistent with both parts of the remainder of the statute. "The initial clause of the first sentence recognizes the trial court's role in finding the defendant eligible and fit for an alternative sentence under the preceding provisions of the statute; it is incongruous and inconsistent to then read the next clause as empowering the trial judge to ignore and alter the standards governing the eligibility decision." State v. Yancey, 418 P.3d 157, 163 (Wash. Ct. App.), review granted, 426 P.3d 744 (2018). So, either an offender is eligible for a residential-based DOSA because the midpoint of his standard sentence range is 24 months or less, or he is not. If the midpoint of his standard range sentence range exceeds 24 months or less, and he is otherwise eligible for a DOSA, then the court must impose a prison-based DOSA, because the statute expressly tells the court to choose either a local or a prison DOSA based on the length of the midpoint of the standard range sentence. Id. at 163.

“It does not say ‘standard range as altered by the trial court’ or otherwise suggest that the legislative directive is somehow limited by a discretionary choice of the judge to alter the eligibility standards.” Id.

Contrary to the dissent’s opinion, the majority analyzes the phrase, in context with the rest of RCW 9.94A.660(3) and upholds the trial court’s approach to impose Mr. Yancey’s DOSA, in light of State v. Mohamed, 187 Wn. App. 630, 641, 350 P.3d 671 (2015), which clarifies the court’s authority to waive sentence enhancements.

Here, the trial court had already correctly calculated Mr. Yancey’s standard range sentence at 36 +/- 44 months. The midpoint of which is 40 months. With a midpoint of 40, Mr. Yancey could not qualify for a residential DOSA. “...The offender cannot serve his or her time in a residence if the midpoint of the standard range exceeds two years.” So, the court looks to the rest of RCW 9.94A.660(3) to consider whether Mr. Yancey’s sentence would fall within twenty-four months or less, if the court exercises its authority to waive imposition of a sentence within the standard range, by excluding enhancements. “If we exclude James Yancey’s sentence enhancements, the midpoint of his standard range is sixteen months. If we include the sentence enhancements, the midpoint raises to forty months.” State v. Yancey, 418 P.3d 157, 160 (Wash. Ct. App.), review granted, 426 P.3d 744 (Wash. 2018).

This interpretation seems consistent with what the legislature intends. If the majority’s interpretation runs contrary to what the legislature intends, then the legislature probably, by now, would have registered its disapproval. Because, in

addition to a statute's plain meaning, legislative acquiescence may also shed light on legislative intent. If the legislature does not register its disapproval of a court opinion, at some point that silence itself is evidence of legislative approval. State v. Coe, 109 Wash.2d 832, 846, 750 P.2d 208 (1988). The legislature is deemed to acquiesce in the interpretation of the court if no change is made for a substantial time after the decision. Hangman Ridge Training Stables, Inc. v. Safeco Title Ins. Co., 105 Wn.2d 778, 789, 719 P.2d 531 (1986); Nyland v. Department of Labor & Indus., 41 Wn.2d 511, 513, 250 P.2d 551 (1952).

3. The majority's interpretation of Mohamed does not read in an exceptional sentence authority.

An exceptional sentence above or below the standard range may be imposed for substantial and compelling reasons. RCW 9.94A.535; State v. Jackson, 150 Wn.2d 251, 273, 76 P.3d 217 (2003). Our courts may consider a nonexclusive statutory list of mitigating factors that support an exceptional sentence downward, including such reasons as the defendant's unwillingness to participate in the crime and his or her capacity to appreciate the wrongfulness of the act. RCW 9.94A.535(1). Generally, "[a]n exceptional sentence is appropriate only when the circumstances of the crime distinguish it from other crimes of the same statutory category." State v. Pennington, 112 Wn.2d 606, 610, 772 P.2d 1009 (1989); State v. Murray, 128 Wn App. 718, 722, 116 P.3d 1072, 1074 (2005).

Here, the dissent argues the court of appeals' interpretation of State v. Mohamed, 187 Wn. App. 630, 641, 350 P.3d 671 (2015) reads in an exceptional sentence authority that is inappropriate for the following reasons. First, the

exceptional sentence authority can only apply to standard range sentences and not to alternative sentences. State v. Yancey, 418 P.3d 157, 160 (Wash. Ct. App.), review granted, 426 P.3d 744 (Wash. 2018).

Granted, exceptional sentences are those sentences outside the standard range that are imposed if there are substantial and compelling reasons, or if there are multiple offenses under the same cause number to be served consecutively. But, as the majority here points out, Mohammed examines whether the trial court, in that case, had the authority to waive a 24-month school zone enhancement in favor of either the parenting sentencing alternative under RCW 9.94A.655 or the DOSA under RCW 9.94A.660. State v. Mohamed, 187 Wn. App. at 636. It does not authorize courts to use exceptional sentence authority.

Second, the dissent argues the majority's interpretation of Mohamed allows the trial court to infringe on legislative authority by changing eligibility criteria. However, by waiving the standard sentence range, the court under Mohamed does not change the length of time spent an offender must spend in treatment or to create a new midpoint by which to impose a DOSA. The residential DOSA is only available, if the midpoint of the standard range is 24 months or less. RCW 9.94A.660(3). Because "standard sentence range" means the base sentence range plus enhancement of such range, a sentencing court may waive the enhancements as part of the standard sentence range under a DOSA or PSA. State v. Mohamed, 187 Wn. App. at 641. But that does not change the "24 months or less" midpoint eligibility criterion. The offender's

midpoint range must still fall within that criterion, after the court waives enhancements.

Third, the dissent maintains if the legislature intended to grant trial courts authority to change eligibility criteria, it would have placed that authority elsewhere in the statute, like in RCW 9.94A.660(1). Mohamed does not afford courts discretion We do not believe the legislature intends to grant trial courts authority to change eligibility criteria, but rather to exercise its broad discretion in sentencing.

And fourth, the DOSA statute, as interpreted by Mohamed, sets forth no criteria on which its exceptional sentence is to be exercised. Mohamed does not interpret the DOSA statute to allow for exceptional sentence authority. In fact, it distinguishes between the exceptional sentence and the DOSA. “An exceptional sentence is separate from the alternative sentencing provisions of a DOSA or PSA.” State v. Mohamed, 187 Wn. App. at 646.

**B. WAIVING THE STANDARD SENTENCE RANGE TO IMPOSE A DOSA DOES NOT CREATE AN UNLAWFUL HYBRID SENTENCE.**

The trial court may not construct a “hybrid” of an exceptional sentence and a DOSA sentence. State v. Murray, 128 Wn. App. 718, 725–26, 116 P.3d 1072, 1076 (2005). A sentencing court may impose an exceptional sentence downward based on substantial and compelling reasons, *or* it may impose a DOSA standard range sentence when appropriate for rehabilitation. (Emphasis added). It is not authorized under the SRA to impose a hybrid of both. Murray, 128 Wn. App. at 726.

Courts have routinely remanded cases for resentencing where judges “construct a hybrid of an exceptional sentence and a DOSA sentence.” Murray, 128 Wn. App. at 725. For example, the court in State v. Smith, 142 Wn. App. 122, 173 P.3d 973 (2007) remanded the case for re-sentencing after the trial court’s effort to impose a DOSA fashioned a hybrid sentence instead. The trial court, in that case, imposed on Mr. Smith a DOSA and a non-DOSA sentence. Id. at 123, 173 P.3d 973. The confinement portion of Mr. Smith’s DOSA was to run concurrently with the non-DOSA sentence. Id. However, the confinement portion of his DOSA was shorter than the confinement of his non-DOSA sentence. Id. Consequently, Mr. Smith was to remain in confinement to finish his non-DOSA sentence and would then serve the treatment portion of his DOSA in community custody. Id. at 126, 173 P.3d 973.

Relying on State v. Grayson, 130 Wn. App. 782, 125 P.3d 169 (2005), the court on appeal held because the community custody portion of Mr. Smith’s sentence ran consecutively to his non-DOSA sentence, Mr. Smith had received a hybrid sentence that violated the concurrency requirement of RCW 9.94A.589. Id. at 128–29, 125 P.3d 169.

Similarly, State v. Murray, 128 Wn. App. 718, 116 P.3d 1072 (2005) was vacated and remanded for resentencing, because the trial court produced a hybrid exceptional and DOSA sentence. In that case, Mr. Murray pleaded guilty to manufacturing a controlled substance, while a person under the age of 18 was on the premises. With the 24-month enhancement for presence of a juvenile, the standard range for Mr. Murray’s sentence was 96 to 120 months. The midpoint

of Mr. Murray's presumptive sentence, including the enhancement, was 108 months. However, the trial court concluded that [a] DOSA sentence with a mid-range sentence of 88 months, resulting in 44 months confinement and 44 months community custody, will effectuate the goals of the chapter, hold the defendant accountable, and provide him the opportunity to continue with his treatment and counseling for chemical dependency. State v. Murray, 128 Wn. App. 718, 724, 116 P.3d 1072, 1075 (2005). By so doing, the trial court created a midpoint in contravention of the DOSA statute. State v. Murray, 128 Wn. App. 718, 720, 116 P.3d 1072, 1073 (2005).

Here, the dissent likens what the trial court in Murray did to impose the DOSA to what the trial court did here. However, unlike the trial court in Murray, the trial court here did not create a new standard sentence range outside of what the statute allows to impose Mr. Yancey's DOSA.

#### **IV. CONCLUSION**

Based on our arguments above, we believe the majority, here, correctly interprets the DOSA statute and does not conflict with or overrule Murray. Therefore, we respectfully ask this court to affirm the majority's decision.

Respectfully submitted this 2<sup>nd</sup> day of November, 2018.

s/Tanesha L. Canzater  
Tanesha La'Trelle Canzater, WSBA# 34341  
Attorney for James Austin Yancey  
Post Office Box 29737  
Bellingham, WA 98228-1737  
(360) 362- 2435 (mobile office)  
(703) 329-4082 (fax)  
Canz2@aol.com

## DECLARATION OF SERVICE

November 2, 2018

Case Name: **State of Washington v. James Austin Yancey**

Supreme Court Case Number: **959927**

I declare under penalty and perjury of Washington State laws that on November 2, 2018, I filed this **RESPONDENT'S SUPPLEMENTAL BRIEF** with this court and served copies to:

### **WALLA WALLA COUNTY PROSECUTING ATTORNEY'S OFFICE**

[jnagle@co.walla-walla.wa.us](mailto:jnagle@co.walla-walla.wa.us)

[tchen@co.franklin.wa.us](mailto:tchen@co.franklin.wa.us)

\*The prosecutor's office accepts service via email.

### **JAMES AUSTIN YANCEY**

2469 Plaza Way

Walla Walla, WA 99362

[s/Tanesha L. Canzater](#)

Tanesha L. Canzater, WSBA # 34341

Post Office Box 29737

Bellingham, Washington 98228

(360) 362-2435 (mobile)

(703) 329-4082 (facsimile)

[Canz2@aol.com](mailto:Canz2@aol.com)

**LAW OFFICES OF TANESHA L. CANZATER**

**November 02, 2018 - 4:45 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 95992-7  
**Appellate Court Case Title:** State of Washington v. James Austin Yancey  
**Superior Court Case Number:** 15-1-00332-9

**The following documents have been uploaded:**

- 959927\_Other\_20181102164440SC714283\_2593.pdf  
This File Contains:  
Other - Supplemental Brief  
*The Original File Name was Supplemental Briefing Yancey.pdf*

**A copy of the uploaded files will be sent to:**

- jnagle@co.walla-walla.wa.us
- tchen@co.franklin.wa.us

**Comments:**

---

Sender Name: Tanesha Canzater - Email: canz2@aol.com  
Address:  
PO BOX 29737  
BELLINGHAM, WA, 98228-1737  
Phone: 877-710-1333

**Note: The Filing Id is 20181102164440SC714283**