

FILED
April 10, 2015
Court of Appeals
Division I
State of Washington

No. 72546-7-I

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

STATE OF WASHINGTON,

Respondent,

v.

KEVIN BYRON HUIZENGA,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR KING COUNTY

APPELLANT'S OPENING BRIEF

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A. ASSIGNMENT OF ERROR

Kevin Huizenga's judgment and sentence erroneously states that he was convicted of possession of "cocaine."

B. ISSUE PERTAINING TO ASSIGNMENT OF ERROR

Mr. Huizenga was charged with one count of possession of "heroin" and pled guilty to that charge. Yet, his judgment and sentence states that he was convicted of possession of "cocaine." Should the judgment and sentence be corrected to reflect that Mr. Huizenga was actually convicted of possession of "heroin"?

C. STATEMENT OF THE CASE

On May 17, 2014, Kevin Huizenga was charged with one count of possession of "heroin," in violation of the Uniform Controlled Substances Act. CP 1; RCW 69.50.4013.

On September 8, 2014, Mr. Huizenga pled guilty to that charge. CP 8-30. In his statement on plea of guilty, he admitted that he "unlawfully and feloniously possessed heroin a controlled substance and narcotic drug." CP 20.

A judgment and sentence was entered that same date. CP 31-35. The judgement and sentence states that Mr. Huizenga was convicted of

“Violation of the Uniform Controlled Substances Act: Possess
Cocaine.” CP 3 (emphasis added)¹; RCW 69.50.4013.

D. ARGUMENT

**Mr. Huizenga’s judgment and sentence should be
corrected to reflect that he was convicted of
possession of “heroin”**

When a person is convicted of a felony in superior court, a
“judgment of conviction” is entered which “shall set forth . . . the plea,
the verdict or findings, and the adjudication and sentence.” CrR 7.3.

Here, Mr. Huizenga was charged, pled guilty and was convicted
of one count of possession of “heroin.” CP 1, 20. Yet his judgment
states that he was convicted of one count of possession of “cocaine.”
CP 3. Because the judgment does not correctly state the crime for
which he was convicted, it must be corrected.

F. CONCLUSION

Because the judgment does not accurately reflect the crime for
which Mr. Huizenga was convicted, it must be corrected.

Respectfully submitted this 10th day of April, 2015.

/s Maureen M. Cyr

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**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE**

STATE OF WASHINGTON,)	
)	
Respondent,)	
)	
v.)	NO. 72546-7-I
)	
KEVIN HUIZENGA,)	
)	
Appellant.)	

DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ARRANZA RILEY, STATE THAT ON THE 10TH DAY OF APRIL, 2015, I CAUSED THE ORIGINAL **OPENING BRIEF OF APPELLANT** TO BE FILED IN THE **COURT OF APPEALS – DIVISION ONE** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

[X] KING COUNTY PROSECUTING ATTORNEY [paoappellateunitmail@kingcounty.gov] APPELLATE UNIT KING COUNTY COURTHOUSE 516 THIRD AVENUE, W-554 SEATTLE, WA 98104	() () (X)	U.S. MAIL HAND DELIVERY AGREED E-SERVICE VIA COA PORTAL
[X] KEVIN HUIZENGA 22425 DOCKTON RD SW VASHON, WA 98070	(X) () ()	U.S. MAIL HAND DELIVERY _____

SIGNED IN SEATTLE, WASHINGTON THIS 310^H DAY OF APRIL, 2015.

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