

SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

JOHNNY MORRIS,

Petitioner.

No. 102748-6

STATEMENT OF
ADDITIONAL
AUTHORITY

This additional authority relates to one of the four grounds the trial court identified for denying Johnny Morris's request for resentencing after the removal of the juvenile simple possession conviction from the offender score did not alter the standard range. *See* RP (9/16/2022) 17-18.

Morris pled guilty in this case in exchange to a substantial reduction of charges. RP (4/12/2011) 458. Morris agreed in exchange for the reduction of charges to jointly recommend a sentence of 290 months. RP (4/12/2011) 459, 465. During his

2011 sentencing hearing, Morris acknowledged that his plea agreement with the State required a joint recommendation of 290 months. RP (5/20/2011) 13-14. The trial court imposed the recommended 290 month sentence. CP 28.

A criminal defendant who negotiated a plea agreement for a specific sentence and who receives the bargained for sentence may not advocate for a lesser sentence in a collateral attack when his standard range is not impacted by the removal of *Blake*¹-impacted offenses from his offender score. *State v. Kelly*, ___ Wn.3d ___, ___ P.3d ___, 2024 WL 5162058 at *5-9 (2024) (defendant is not entitled to be resentenced on non-drug offenses when the removal of prior drug possession convictions from his offender score does not alter the standard range); *State v. Harris*, ___ Wn.3d ___, 559 P.3d 499 (2024) (a defendant breaches his plea agreement by refusing to abide by promises in that

¹ *State v. Blake*, 197 Wash.2d 170, 195, 481 P.3d 521 (2021) (overturning Washington's former drug possession statute).

agreement—including by requesting a sentence other than that bargained for). When a defendant, like Morris, breaches a plea agreement by seeking a lower sentence in a collateral attack, the State is entitled to demand specific performance. *Harris*, 559 P.3d at 506.

Morris’s request for a new de novo sentencing must be denied because at least one of the grounds identified by the trial court for maintaining the original sentence is valid.

This document is in 14-point type and contains 321 words, excluding the parts of the document exempted from the word count by RAP 18.17.

RESPECTFULLY SUBMITTED this 31st day of
December, 2024.

MARY E. ROBNETT
Pierce County Prosecuting Attorney

s/ Pamela B. Loginsky
PAMELA B. LOGINSKY
WSB # 18096 / OID #91121
Pierce County Prosecutor’s Office
930 Tacoma Avenue South, Rm. 946
Tacoma WA 98402-2171
Telephone: (253) 798-2913
pamela.loginsky@piercecountywa.gov

Certificate of Service:

The undersigned certifies that on this day she delivered by E-file to the attorney of record true and correct copies of the document to which this certificate is attached. This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington. Signed at Tacoma, Washington, on the date below.

12-31-24

Date

s/ Therese Nicholson

Signature

PIERCE COUNTY PROSECUTING ATTORNEY

December 31, 2024 - 4:39 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 102,748-6
Appellate Court Case Title: State of Washington v. Johnny Morris III
Superior Court Case Number: 09-1-03588-3

The following documents have been uploaded:

- 1027486_Other_20241231163851SC119382_3565.pdf
This File Contains:
Other - SAA
The Original File Name was Supreme Court Statement of Additional Authority.pdf

A copy of the uploaded files will be sent to:

- pcpatcecf@piercecountywa.gov
- pcpatvecf@piercecountywa.gov
- tweaver@tomweaverlaw.com

Comments:

Sender Name: Therese Kahn - Email: tnichol@co.pierce.wa.us

Filing on Behalf of: Pamela Beth Loginsky - Email: pamela.loginsky@piercecountywa.gov
(Alternate Email: PCpatcecf@piercecountywa.gov)

Address:

930 Tacoma Ave S, Rm 946

Tacoma, WA, 98402

Phone: (253) 798-7400

Note: The Filing Id is 20241231163851SC119382