NO. 104165-9

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, Respondent

v.

JACOB ALEXANDER SLOAN-HERB, Petitioner

FROM THE COURT OF APPEALS DIVISION II
CAUSE NO. 59226-6-II
CLARK COUNTY SUPERIOR COURT
CAUSE NO. 16-1-02555-2

RESPONSE TO PETITION FOR DISCRETIONARY REVIEW

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INTRODUCTION

The unpublished decision of the Court of Appeals in this case had nothing to do with rehabilitation evidence, let alone what weight courts should give such evidence when determining whether a youth's sentence is disproportionate or whether prejudice has been established. Rather, the decision of the Court of Appeals concluding that Sloan-Herb's collateral attack was time barred simply held what is irrefutably true: that a violation of *State v. Houston-Sconiers*'s[1] procedural rule does not apply retroactively on collateral review.

The superior court's order granting Sloan-Herb's CrR 7.8 motion for resentencing, which did not mention rehabilitation evidence or find his sentence disproportionate, straightforwardly misapplied this Court's case law in three ways. First, in finding Sloan-Herb's motion timely, the court's order concluded that "the procedural rule of *Houston-Sconiers* .

[1] 188 Wn.2d 1, 391 P.3d 408 (2017).

. . is a retroactive change in the law." This Court *had* already explicitly disagreed in multiple decisions[2].

Second, the court's order found that Sloan-Herb had established prejudice because he had "shown that the mitigating qualities of youth *could have* impacted [his] sentence." (emphasis added). This Court had already explicitly held that in order to establish actual and substantial prejudice in the context of a *Houston-Sconiers* error that the defendant must establish "by a preponderance of the evidence this his sentence would have been shorter. . ." and that the "*possibility* of prejudice" is insufficient.[3]

Third, the court's order states that "based on what we know today about the science behind the neurodevelopment of

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[2] *In re Hinton*, 1 Wn.3d 317, 328-331, 525 P.3d 156 (2023); *In re Williams*, 200 Wn.2d 622, 630-32, 520 P.3d 933 (2022); *In re Carrasco*, 1 Wn.3d 224, 232-33, 237, 525 P.3d 196 (2023).

[3] *In re Meippen*, 193 Wn.2d 310, 312-13, 315-16, 440 P.3d 978 (2019); *In re Forcha-Williams*, 200 Wn.2d 581, 599, 520 P.3d 939 (2022)

youth, it would not have been possible at the time of Sloan-Herb's sentencing [in 2017] for the sentencing court to fully consider the mitigating qualities of youth had such an argument been made." *Houston-Sconiers* itself is a 2017 decision. And this Court has recognized that studies, research, and cases assessing the diminished culpability based on youth, even for young adults, have existed since the early 2000s.[4] A claim that it was not possible for a court to consider the mitigating qualities of youth in 2017 is untenable and untethered to the law.[5]

The decision of the Court of Appeals reversed the trial court's order on the first basis, concluding that Sloan-Herb's collateral attack was time barred because *Houston-Sconiers*'s

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[4] *In re Kennedy*, 200 Wn.2d 1, 11, 15-18, 513 P.3d 769 (2022).

[5] *In re Light-Roth*, 191 Wn.2d 328, 336, 422 P.3d 444 (2018) (stating "RCW 9.94A.535(1)(e) has always provided the opportunity to raise youth for the purpose of requesting an exceptional sentence downward, and mitigation based on youth is within the trial court's discretion").

procedural rule does not apply retroactively on collateral review. Because the timeliness issue was dispositive, the decision did not address the State's other arguments[6]. And no basis existed in the superior court's order for the Court of Appeals to consider whether Sloan-Herb's sentence was disproportionate or to address rehabilitation evidence.

Sloan-Herb seeks review by offering this Court brand-new arguments that did not form the basis of the superior court's order or the decision of the Court of Appeals. And he fails to grapple with the superior court's order's demonstrably incorrect and fatal holding that his motion was timely because of its conclusion that the "procedural rule of *Houston-Sconiers* . . . is a retroactive change in the law." The decision of the Court of Appeals reversing the superior court is correct and review of this case is unwarranted.

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[6] The State maintains that the superior court not only applied the wrong legal standard when determining prejudice but abused its discretion when it concluded that Sloan-Herb had satisfied his burden to establish prejudice. *See Infra* at II.

IDENTITY OF RESPONDENT

The Respondent, State of Washington, by and through Aaron Bartlett, Senior Deputy Prosecuting Attorney for Clark County, provides the following response to Jacob Sloan-Herb's Petition for Review.

DECISION BELOW

On March 25, 2025, Division II of the Court of Appeals issued an unpublished opinion reversing the superior court's order granting Sloan-Herb's CrR 7.8 motion and ordering a resentencing. *State v. Sloan-Herb*, 34 Wn. App. 23d 1009, 2025 WL 903794 (2025).

RESPONSE TO ISSUES PRESENTED FOR REVIEW

I. The decision of the Court of Appeals concluding that Sloan-Herb's collateral attack should have been denied as untimely faithfully followed this Court's explicit precedent. That the superior court also applied a legally incorrect prejudice standard and abused its discretion in finding prejudice does not alter the applicable law when determining whether a collateral attack is timely.

II. Because Sloan-Herb did not argue that his sentence was disproportionate and the superior court's order did not find that Sloan-Herb's sentence was disproportionate, the Court of Appeals cannot be faulted for not deciding whether Sloan-Herb's proffered rehabilitation evidence established that his sentence was disproportionate.

STATEMENT OF THE CASE

In 2017, a 17-year-old Sloan-Herb pleaded guilty to Child Molestation in the First Degree for a crime that occurred on or about or between August 1, 2016, and October 19, 2016. CP 5-15, 29-41. When Sloan-Herb committed that crime he had already twice, on separate occasions, been charged, convicted, and sentenced for committing felony sex crimes against other children. CP 16, 19-20.

The parties reached a plea agreement with a joint recommendation for a sentence of 98 months of total confinement, the low-end of Sloan-Herb's standard sentencing range. CP 9, 16, 31, 126-28, 130-31, 134-35. But the sentencing court did not follow that agreement. CP 32, 135-37. Instead, the sentencing court imposed 130 months of total confinement, the

high-end of the standard sentencing range. CP 31-32, 136. In imposing the sentence, the sentencing court remarked that

> I'm going to give you the maximum under the, uh, sentencing guidelines. I believe it's appropriate for many, many reasons. One is you had a lot of opportunity, um, to stop the active, ongoing (inaudible) that we've seen in this case. You are clearly at risk and a danger to our children.

CP 135. The court further commented that

> we can't just let this keep going on and on and on and the only way I can see to fix it, is for you to get some serious, serious in prison treatment to find out what's going on and why this is happening. Um, because it's clear, if I let you walk out the door today, there'd be another couple victims tomorrow. . . . [I]n my estimation, right now as you sit here today, you are a serial child molester and if I let you out this door today, it would happen again. And I don't want to see that happen for you or for any, um, victims in our community.

CP 136. And when Sloan-Herb asked the court to "reconsider" the imposed, high-end sentence, the sentencing court rejected that request and stated, "I do what I think is best for . . . the community and that's exactly what I think is [] correct for this case." CP 137.

At the sentencing hearing, neither the parties nor the court discussed Sloan-Herb's youth in the depth now required by case law. *See* CP 118-137. Sloan-Herb did not file a timely appeal or collateral attack on his sentence.

In December of 2023, over six years later, Sloan-Herb filed a CrR 7.8 motion seeking to vacate his judgment and be resentenced. CP 60-65. The entire premise of Sloan-Herb's motion, and his reply brief in support of his motion, was that the sentencing court's failure to consider the mitigating qualities of youth at his sentencing—a violation of *Houston-Sconiers*'s procedural rule—made his motion timely and entitled him to relief. CP 60-65, 144-156. Sloan-Herb offered, "if granted a new sentencing," to "present evidence that this crime was the product of judgment impaired, at least in part, due to his still immature brain." CP 64.

The superior court, a different judge than the sentencing judge, granted Sloan-Herb's motion and entered a written order.

CP 180-81. The court held regarding the timeliness of Sloan-Herb's motion that

> The defense has shown that pursuant to *In re Ali*, . . the procedural rule of *Houston-Sconiers*, . . . which requires courts to meaningfully consider the mitigating qualities of youth at the time of sentencing, is a retroactive change in the law. This rule is material to Sloan-Herb's motion and case because the sentencing judge did not consider the mitigating qualities of youth at his sentencing. Thus, Sloan-Herb's motion is timely under the time bar exception of [former] RCW 10.73.100(6).

CP 180-81. As to prejudice, the court concluded that

> based on what we know today about the science behind the neurodevelopment of youth, it would not have been possible at the time of Sloan-Herb's sentencing for the sentencing court to fully consider the mitigating qualities of youth had such an argument been made. Defense has shown that the mitigating qualities of youth could have impacted Sloan-Herb's sentence.

CP 181.

The State timely appealed. The Court of Appeals reversed the superior court in an unpublished decision. *State v. Sloan-Herb*, 34 Wn. App. 23d 1009, 2025 WL 903794 (2025).

The Court of Appeals held that "Sloan-Herb's CrR 7.8 motion is time barred because he established only a violation of *Houston-Sconiers*'s procedural rule in his case, which does not apply retroactively on collateral review, and not a violation of *Houston-Sconiers*'s substantive rule prohibiting disproportionate sentences for juveniles due to diminished culpability." *Id.* at *1, *4. Sloan-Herb petitioned for review.

ARGUMENT

This Court will grant a petition for review "only:

> (1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or (2) If the decision of the Court of Appeals is in conflict with a published decision of the Court of Appeals; or (3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or (4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

RAP 13.4(b). Sloan-Herb argues that review should be granted in this case because the "lower court decision conflicts with this Court's precedent" "[a]nd, if it does not, then this case poses a

significant constitutional question." Pet. Rev. 6 (citing RAP 13.4(b)(2)-(3)). This Court should deny Sloan-Herb's petition for review because the unpublished decision of the Court of Appeals in this case properly applied established case law in reaching its holding and is not in conflict with decisions of this Court or of published decisions of the Court of Appeals. Furthermore, the issues raised, in the context of this case, do not amount to significant questions of law under the Constitution.

I. The decision of the Court of Appeals concluding that Sloan-Herb's collateral attack should have been denied as untimely faithfully followed this Court's explicit precedent holding that Houston-Sconiers's procedural rule does not apply retroactively on collateral review.

The superior court's order granting Sloan-Herb's CrR 7.8 motion stated that:

> The defense has shown that pursuant to *In re Ali*, . . the procedural rule of *Houston-Sconiers*, . . . which requires courts to meaningfully consider the mitigating qualities of youth at the time of sentencing, is a retroactive change in the law. This rule is material to Sloan-Herb's motion and case

> because the sentencing judge did not consider the mitigating qualities of youth at his sentencing. Thus, Sloan-Herb's motion is timely under the time bar exception of [former] RCW 10.73.100(6).

CP 180-81. The superior court entered this order on February 2, 2024. CP 180-81. By that time, this Court had already decided *Hinton*, *supra*, *Carrasco*, *supra*, and *Williams*, *supra*. In *Hinton* this Court stated that "*Houston-Sconiers*'s substantive rule applies retroactively on collateral review, but its procedural rule does not." 1 Wn.3d at 329 (capitalization omitted). In *Carrasco* this Court "confirmed that *Houston-Sconiers*'[s] procedural 'dual mandates' are not retroactive and therefore do not apply on collateral review to a sentence that is long final." 1 Wn.3d at 233. And in *Williams* this Court explained that "the procedural mandates that require courts to consider mitigating qualities of youth and to have discretion to impose sentences below the SRA are not independently retroactive on collateral review." 200 Wn.2d at 632. And since only retroactive changes in the law exempt collateral attacks from the statutory time bar, a

claim of error based on *Houston-Sconiers*'s procedural rule is time barred if the error is raised over one year since the judgment became final. *Id.* at 631-32, 634.

Here, as previously acknowledged, the sentencing court in 2017 did not engage in a discussion of Sloan-Herb's youth that would comply with *Houston-Sconiers*'s procedural rule. *See* CP 118-137. But that failure is not retroactive, so Sloan-Herb's claim of error based on said failure is untimely. *Hinton*, 1 Wn.3d at 329-331; CP 60-65; CP 144-156; RP 6-12, 17-19.

The decision of the Court of Appeals in this case, cited *Hinton* and *Williams* to hold the same, and concluded that "the trial court abused its discretion when it determined that Sloan-Herb's motion was not time barred." 2025 WL 903794 at *3-4. The Court of Appeals's straightforward application of this Court's explicit command cannot amount to a "decision [that] conflicts with this Court's precedent." Pet. Rev. at 6.

And notably, Sloan-Herb does not actually attempt to argue that *this* holding is incorrect. Instead, he takes issue with

the Court of Appeals properly noting that "Sloan-Herb did not *argue* that his sentence constituted disproportionate punishment." 2025 WL 903794 at *2, *4 (emphasis added). Sloan-Herb attempts to refute this statement, by pointing to a *sentence* in his motion in which he stated that his sentence is "substantively disproportionate because it was imposed without the consideration of the 'mitigating qualities of youth.'" Pet. Rev. at 6-7. For one, a sentence is not an argument. For another, a violation of *Houston-Sconiers*'s procedural rule does not equate to violation of the substantive rule or constitute per se prejudice on collateral review. *Forcha-Williams*, 200 Wn.2d at 598-99. And third, the superior court did not find that Sloan-Herb's sentence was "substantively disproportionate." CP 180-81. So whether Sloan-Herb did or did not make this argument in his motion is immaterial; the argument did not form the basis for why the superior court found his motion timely, and in the Court of Appeals the determination of whether the argument was made was "unnecessary to decide the case." *In re*

Domingo, 155 Wn.2d 356, 366, 119 P.3d 816 (2005) (internal quotation omitted).

Nevertheless, Sloan-Herb attempts to use this portion of the decision to springboard into an argument that somehow the decision of Court of Appeals "overlooks or reads out a juvenile's capacity for change as relevant to an assessment of culpability and the substantive disproportionality of the prior sentence." Pet. Rev. at 10. This is non-responsive. Similarly, Sloan-Herb claims that "because the lower court's *Opinion* fails to consider evidence of Sloan-Herb's rehabilitative potential and accomplishment, it fails to give the proper deference to the trial judge's ruling." Pet. Rev. at 10. But whether *Houston-Sconiers*'s procedural rule is retroactive on collateral review has nothing do with whether or not Sloan-Herb presented evidence of "rehabilitative potential." And the decision of the Court of Appeals did not address prejudice since it concluded that Sloan-Herb's motion was time barred. 2025 WL 903794 at 1 n.1, *4. Consequently, Sloan-Herb's claim that somehow the decision

of the Court of Appeals made "rehabilitation [evidence] irrelevant" to a prejudice determination is unfounded. Pet. Rev. at 10-12. This Court should deny Sloan-Herb's petition for review because he has failed to satisfy the discretionary review criteria in RAP 13.4(b) and because the decision of the Court of Appeals correctly applied this Court's decisions to Sloan-Herb's case.

II. Were this Court to accept review, it should affirm the Court of Appeals on the alternative basis that the superior court abused its discretion when it found that Sloan-Herb established prejudice.

This Court has reiterated in recent cases addressing collateral attacks on sentences involving youthful offenders that granting relief pursuant to a collateral attack "is an extraordinary remedy for which petitioners must overcome a high standard before [courts] will disturb an otherwise settled judgment." *In re Davis*, 200 Wn.2d 75, 80, 514 P.3d 653 (2022) (internal quotation omitted). Said another way, collateral attacks "are allowed only in 'extraordinary' circumstances" due

to the "importance of finality of judgments and sentences." *Kennedy*, 200 at 12 (citation omitted).

A defendant who meets their burden of establishing actual and substantial prejudice shows that "the outcome would more likely than not have been different had the alleged error not occurred." *Id.*; *Forcha-Williams*, 200 Wn.2d at 599-600 (noting that "[t]his court has long held a petitioner alleging constitutional error on collateral review must show by a preponderance of the evidence that he was actually and substantially prejudiced by the alleged error"). On the other hand, showing that the alleged error "created a *possibility* of prejudice" is insufficient. *Meippen*, 193 Wn.2d at 315-16 (emphasis in original); Davis 200 Wn.2d at 660 (citing *In re Hagler*, 97 Wn.2d 818, 825, 650 P.2d 1103 (1982) for the proposition that "even showing that an error created a possibility of prejudice is insufficient to merit collateral relief").

Accordingly, a defendant alleging a purported *Houston-Sconiers* error must show "by a preponderance of the evidence

this his sentence *would have been shorter* if the trial court had absolute discretion to depart from the SRA at the time of the sentencing" and considered the mitigating qualities of the defendant's youth. *Id.* at 312-13 (emphasis added); *Forcha-Williams*, 200 Wn.2d at 598-99[7]. To meet this burden, a petitioner "must" identify "some other evidence in the record to show the judge would have imposed a lesser sentence." *Forcha-Williams*, 200 Wn.2d at 603; *see* also *Meippen*, 193 Wn.2d at 315-17 (the failure to "present any evidence that the trial court would have imposed a lesser sentence" should be fatal to a claim of prejudice). Synthesizing the recent juvenile sentencing cases[8], *Forcha-Williams* identified relevant "factors to consider in determining whether a *Houston-Sconiers* error is prejudicial: [(1)] whether the judge was presented with and

[7] A defendant cannot establish prejudice "solely by" establishing that a "procedural *Houston-Sconiers* violation" occurred at sentencing. (capitalization omitted).
[8] *In re Domingo-Cornelio*, 196 Wn.2d 255, 474 P.3d 524 (2020) and *In re Ali*, 196 Wn.2d 220, 474 P.3d 507 (2020).

considered the mitigating qualities of the offender's youth; [(2)] whether the judge understood their discretion, where the imposed sentence falls within the standard range; and [(3)] whether the judge articulated that they would have imposed a lower sentence if they could." 200 Wn.2d at 604. For example, a petitioner can "show[] actual and substantial prejudice where the sentencing judge fails to consider any mitigating qualities of youth and imposes the lowest standard range [sentence]" possible. *Id.* (citation omitted).

That said, because youth, or age, does not itself amount to a per se mitigating factor, a petitioner must also show that their crimes reflected the characteristics of youth, e.g., lack of impulse control, youthful immaturity, and a failure to appreciate risks and consequences. *State v. Anderson*, 200 Wn.2d 266, 269-270, 516 P.3d 1213 (2022); *Light-Roth*, 191 at 330, 336-37 (a defendant "must show that his youthfulness relates to the commission of the crime" in order for youth to constitute a mitigating factor warranting an exceptional

sentence) (citation omitted). Again, this burden is on the petitioner. *State v. Gregg*, 196 Wn.2d 473, 478-483, 474 P.3d 539 (2020); *State v. Rogers*, 17 Wn. App. 2d 466, 472, 476, 487 P.3d 177 (2021) (citations omitted). And it's a burden "a juvenile offender" can satisfy by "by presenting relevant mitigation evidence bearing on the circumstances of the offense and the culpability of the offender, including both expert and lay testimony as appropriate." *Anderson*, 200 Wn.2d at 285 (citation and internal quotation omitted).

Here, Sloan-Herb did not meet his burden to establish prejudice. And the superior court erred when it held otherwise and erred when it applied the wrong legal standard for determining prejudice. For one, other than the conclusory statement that "Mr. Sloan-Herb can also demonstrate prejudice" and a recitation of a portion of *Ali*—a case with sentencing facts that do not resemble his own—Sloan-Herb's CrR 7.8 motion did not show or argue how he had satisfied his burden. *See* CP 60-65. Sloan-Herb also failed to address his prior, serious sex

crime convictions or the sentencing court's reasoning for imposing a high-end sentence—two issues highly relevant when considering whether he could establish by a preponderance that his sentence *would* have been shorter. *See* CP 150-156.

Second, Sloan-Herb did not address the "mitigating qualities of youth" to show how "*his* youthfulness relate[d] to the commission of [*his*] crime[s]," nor did he attempt to "show that his crime[s] reflected the characteristics of youth," e.g., a lack of impulse control, youthful immaturity, and a failure to appreciate risks and consequences[9]. *Light-Roth*, 191 Wn.2d at 330 (emphasis added); *Anderson*, 200 Wn.2d at 269-270. On the contrary, Sloan-Herb claimed that "if granted a new sentencing" he will "present evidence that this crime was the

[9] Sloan-Herb had already twice, on separate occasions, been convicted for sex crimes against young children and sentenced before he committed the instant child molestation. CP 16, 19-20. It cannot be said that Sloan-Herb remained unaware of the risks and consequences of his actions.

product of judgment impaired, at least in part, due to this still immature brain." CP 64. This is backwards; Sloan-Herb had the burden to make this showing before he could be granted a resentencing hearing. *Meippen*, 193 Wn.2d at 315-16. Otherwise, all Sloan-Herb provided was a bare-bones claim that "[i]n several respects, Jacob's actions directly reflect the deficits that exist in an immature brain." CP 153. Sloan-Herb failed to back up that claim with evidence or argument and did not discuss or detail any of his "actions" or crimes such that one would have the first idea what he did, let alone how what he did was the result of his "immature brain." CP 153-56. So while evidence of his rehabilitation could be material in assessing whether his crimes reflected the characteristics of youth, Sloan-Herb did not make that connection.

Third, the *Forcha-Williams* factors do not support a finding of prejudice. 200 Wn.2d at 604. While the sentencing court was not presented with evidence supporting the mitigating qualities of youth in general or of Sloan-Herb's youth in

particular, it understood that it had the discretion to impose a sentence lower than the one it imposed; yet it imposed a sentence at the high-end of the sentencing range and did not "articulate[] that they would have imposed a lower sentence if they could." *Id; Meippen*, 193 Wn.2d at 316-17 (noting that the defendant could not establish prejudice in part because the sentencing court "clearly intended to impose a sentence at the top of the standard range"). Sloan-Herb asked for a sentence of 98 months, but the sentencing court imposed a 130-month sentence. And in doing so the sentencing court concluded that the sentence it imposed was "exactly what I think is [] correct for this case." CP 137. The court explained to Sloan-Herb:

> I'm going to give you the maximum under the, uh, sentencing guidelines. I believe it's appropriate for many, many reasons. One is you had a lot of opportunity, um, to stop the active, ongoing (inaudible) that we've seen in this case. You are clearly at risk and a danger to our children.

CP 135. The court further commented that

> we can't just let this keep going on and on and on and the only way I can see to fix it, is for you to get

> some serious, serious in prison treatment to find out what's going on and why this is happening. Um, because it's clear, if I let you walk out the door today, there'd be another couple victims tomorrow. . . . [I]n my estimation, right now as you sit here today, you are a serial child molester and if I let you out this door today, it would happen again. And I don't want to see that happen for you or for any, um, victims in our community.

CP 136.

Given all of the above, Sloan-Herb cannot show that he was prejudiced because he cannot show that "by a preponderance of the evidence that his sentence would have been shorter" had the trial court complied with *Houston-Sconiers*. *Meippen*, 193 Wn.2d at 316-18. As *Meippen* concluded, "a mere possibility that the trial court could have departed from the SRA in light of *Houston-Sconiers*, . . . do[es] not establish a prima facie showing of actual and substantial prejudice." *Id.* at 316. And this is especially the case where "[t]he trial court already had the discretion to impose a lesser sentence but declined to do so." *Id.* Instead, rather than imposing the lowest possible sentence, the sentencing court

here imposed a sentence at the high-end of the standard sentencing range like in *Meippen*. Sloan-Herb did not and cannot meet his burden to establish prejudice.

Necessarily then, the court erred in finding that Sloan-Herb established prejudice. CP 181. Most notably, the court abused its discretion when it applied the wrong legal standard and found that Sloan-Herb had met his burden on the basis that "the mitigating qualities of youth *could have* impacted [his] sentence." CP 181 (emphasis). Straightforwardly, "could have impacted" a sentence does not equate to the higher burden of showing by "preponderance of the evidence that [a] sentence *would have been* shorter." CP 181; *Meippen*, 193 Wn.2d at 316-18 (emphasis added). Rather the court seemed to have employed something akin to the "mere possibility" standard that this Court has explicitly rejected. *Id.* at 317.

And for the reasons articulated above, the court abused its discretion in finding prejudice regardless of the standard employed. The sentencing court imposed the highest possible

sentence it could when it rejected the parties' agreement for a low-end sentence and remarked that the sentence imposed was "exactly what I think is [] correct." CP 137. In light of the record, the lack of evidence tying Sloan-Herb's crime to the attributes of youth, and the reasons the sentencing court-imposed Sloan-Herb's high-end sentence, the superior court abused its discretion when it found that, nonetheless, Sloan-Herb had met his burden to establish prejudice

CONCLUSION

This Court should deny Sloan-Herb's petition for review.

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DATED this 2nd day of October, 2025.

Respectfully submitted:

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