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NO. 104263-9

IN THE SUPREME COURT OF THE
STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

JUAN JOSE MACIAS,

Petitioner.

STATE'S ANSWER TO PETITION FOR REVIEW

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TABLE OF CONTENTS

	Page
A. <u>IDENTITY OF RESPONDENT</u>	1
B. <u>COURT OF APPEALS DECISION</u>	1
C. <u>ISSUES PRESENTED FOR REVIEW</u>	1
D. <u>STANDARD FOR ACCEPTANCE OF REVIEW</u>	2
E. <u>STATEMENT OF THE CASE</u>	2
F. <u>THIS COURT SHOULD DENY MACIAS’S PETITION FOR REVIEW BECAUSE HIS CASE NEITHER CONFLICTS WITH ANY SUPREME COURT DECISION NOR PRESENTS A SIGNIFICANT QUESTION OF LAW</u>	10
1. THE COURT OF APPEALS’ HOLDING THAT THE RESENTENCING COURT DID NOT ABUSE ITS DISCRETION BY REJECTING MACIAS’S MOTION FOR AN EXCEPTIONAL SENTENCE DOWNWARD NEITHER CONFLICTS WITH THIS COURT’S DECISIONS NOR PRESENTS A SIGNIFICANT QUESTION OF LAW UNDER THE WASHINGTON CONSTITUTION	11

2.	THE COURT OF APPEALS’ DETERMINATION THAT THE LAW-OF- THE-CASE DOCTRINE APPLIED TO THE QUESTION OF WHETHER MACIAS’S YOUTH AT THE TIME OF A 2008 CONVICTION WAS NOT A MITIGATING FACTOR FOR SENTENCING ON THE CURRENT OFFENSE NEITHER CONFLICTS WITH DECISIONS OF THIS COURT, NOR PRESENTS A SIGNIFICANT CONSTITUTIONAL QUESTION	12
3.	THE COURT OF APPEALS’ HOLDING THAT MACIAS’S 2008 CONVICTION WAS NOT CONSTITUTIONALLY INVALID ON ITS FACE NEITHER CONFLICTS WITH THIS COURT’S DECISIONS NOR PRESENTS A SIGNIFICANT QUESTION OF LAW UNDER THE WASHINGTON OR FEDERAL CONSTITUTIONS.....	14
G.	<u>CONCLUSION</u>	16

TABLE OF AUTHORITIES

Page

Table of Cases

Washington State:

<i>Folsom v. County of Spokane</i> , 111 Wn.2d 256, 759 P.2d 1196 (1988).....	13
<i>In re Pers. Restraint of Monschke</i> , 197 Wn.2d 605, 482 P.3d 276 (2021).....	14
<i>State v. Ammons</i> , 105 Wn.2d 175, 713 P.2d 719, 718 P.2d 796 (1986)	14, 15
<i>State v. Houston-Sconiers</i> , 188 Wn.2d 1, 391 P.3d 409 (2017).....	13
<i>State v. Inocencio</i> , 187 Wn. App. 765, 351 P.3d 183 (2015).....	15
<i>State v. Knippling</i> , 166 Wn.2d 93, 206 P.3d 332 (2009).....	15
<i>State v. Macias</i> , 100593-8.....	5, 13
<i>State v. Macias</i> , 104263-9.....	14
<i>State v. Macias</i> , 199 Wn.2d 1014, 508 P.3d 675 (2022).....	5, 13
<i>State v. Macias</i> , No. 81677-2-I (unpublished, December 27, 2021), 2021 WL 6111686 at *1	4, 5, 12
<i>State v. Macias</i> , No. 86055-1-I (unpublished May 5, 2025), 2025 WL 1294182	1, 10, 12, 13, 14, 15

<i>State v. Moretti</i> , 193 Wn.2d 809, 446 P.3d 609 (2019).....	14
<i>State v. O’Dell</i> , 183 Wn.2d 680, 358 P.3d 539 (2015).....	14
<i>State v. Saenz</i> , 175 Wn.2d 167, 283 P.3d 1094 (2012).....	15

Statutes

<u>Washington State:</u>	
RCW 9.94A.535	6

Rules and Regulations

<u>Washington State:</u>	
RAP 13.4	2, 10, 11

A. IDENTITY OF RESPONDENT

The State of Washington is the Respondent in this case.

B. COURT OF APPEALS DECISION

The Court of Appeals decision at issue is *State v. Macias*, No. 86055-1-I (unpublished May 5, 2025), 2025 WL 1294182.

C. ISSUES PRESENTED FOR REVIEW

1. Should this Court deny review of the Court of Appeals' holding that the trial court did not abuse its discretion by denying Macias's motion for an exceptional sentence below the standard range?

2. Should this Court deny review of the Court of Appeals' decision not to review the determination that his youth at the time of a prior 2008 conviction was not a mitigating factor for his current convictions because the question had been previously decided on his prior appeal?

3. Should this Court deny review of the Court of Appeals' holding that Macias's 2008 conviction was not constitutionally invalid on its face?

D. STANDARD FOR ACCEPTANCE OF REVIEW

“A petition for review will be accepted by the Supreme Court 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 another 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). This case presents none of the above criteria.

E. STATEMENT OF THE CASE

On February 7, 2018, Macias shot 16-year-old Dallas Esparza four times, killing the boy, as Esparza fled from Macias’s friends. CP 24-25. The State charged Macias with first-degree murder and first-degree unlawful possession of a firearm (UPFA). CP 1, 25.

At trial, Macias claimed self-defense. CP 25. He argued that he was fearful of Esparza because the teen was part of a group who had robbed Macias several weeks earlier. CP 25. As stated above, the jury rejected Macias's self-defense claim and convicted him of second-degree murder. CP 25. The trial court, by bench trial, found him guilty of firearm possession. CP 24-25, 466.

At sentencing, Macias asked the trial court to impose an exceptional sentence below the standard range, arguing that he suffered from neurodevelopmental disorders that diminished his capacity to conform his behavior to the law; that Esparza was the primary aggressor to a significant degree; and because of his failed self-defense claim. CP 26. Macias also argued that his youth at the time of a prior conviction in 2008, for second-degree robbery, was a mitigating circumstance for the current murder and UPFA crimes. CP 17, 26; RP 75-78. The State requested a standard-range sentence. CP 12, 26; RP 106. The trial court imposed a sentence of 300 months, including a

deadly weapon enhancement, amounting to 25 months less than the high end of the standard range as calculated by the parties. CP 12, 14, 26.

Macias appealed the sentence, arguing that a prior felony conviction (not the 2008 conviction) should not have been counted in his offender score because it had “washed out.” CP 24, 26; *State v. Macias*, No. 81677-2-I (unpublished, December 27, 2021), 2021 WL 6111686 at *1. The State conceded that the sentencing range indeed had been improperly calculated because it included a point for the prior washed-out conviction. CP 12, 17, 24, 26-27; *Macias*, 2021 WL 6111686 at *2.

Macias also claimed on appeal that the trial court erred by refusing to consider that his youth at the time of the prior 2008 conviction (properly included in the offender score) was a mitigating factor which warranted an exceptional sentence below the standard range in his current sentence. CP 26. The Court of Appeals remanded for resentencing on the corrected offender score but held that Macias’s youth at the time of the

2008 conviction was not a mitigating factor as to the current convictions. CP 24, 27, 30; *Macias*, 2021 WL 6111686 at *4. “Macias fails to explain how his youth when he committed crimes in 2008 relates to the commission of the current crime,” the Court of Appeals said. *Macias*, 2021 WL 6111686 at *3. The Court of Appeals remanded for re-sentencing on a corrected offender score. CP 31; *Macias*, 2021 WL 6111686 at *4. Macias petitioned for review of the Court of Appeals’ holding that youth at the time of a *prior* offense was not a mitigating factor as to the current convictions to support an exceptional sentence downward. Petition for Review at 5-6, *State v. Macias*, 100593-8. This Court denied review. *State v. Macias*, 199 Wn.2d 1014, 508 P.3d 675 (2022).

At resentencing in Superior Court, Macias’s offender score was recalculated to be 2 on the UPFA conviction, and 3 on the murder conviction, based on the proper inclusion of Macias’s 2008 conviction for second-degree robbery. CP 787-89. The standard range for the murder conviction, including the

deadly-weapon enhancement, was 214 to 314 months. CP 467, 787-89.

Macias argued at resentencing, much like at the original sentencing, that the court should impose an exceptional sentence below the standard range, because his “capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law was significantly impaired.” CP 33, quoting RCW 9.94A.535(1)(e); RP 95. Macias again argued that Esparza was “an initiator, willing participant, aggressor or provoker of the incident,” based on Esparza’s alleged role in a prior robbery of Macias. CP 33, quoting RCW 9.94A.535(1)(a); RP 92-95. Finally, Macias again argued that his youthfulness at the time of his 2008 second-degree robbery was a mitigating circumstance justifying a downward departure from the standard range in the current case. CP 33; RP 95-96.

In addition to the request for an exceptional sentence, Macias argued at resentencing, for the first time, that his 2008

robbery conviction should not count in his offender score because there allegedly had not been a proper juvenile jurisdictional decline procedure in that case. CP 35-37; RP 74-77.

Macias presented Dr. Marnee Milner, a forensic neuropsychologist, who opined that Macias's life circumstances left him with psychological and neuropsychological impairments that affected his judgment and decision-making. CP 148; RP 7-71. Milner also concluded that Macias "tends to misperceive threats and responds in a heightened defensive, reactive and emotional state." CP 148.

The resentencing judge asked additional questions of Milner, including how her opinion differed from an opinion given by a different doctor in Macias's first sentencing. RP 62-69. Milner said her opinion did not differ from the previous opinion. RP 68-69. The resentencing court also asked Milner whether there was anything that the court should consider on resentencing that had not been available during the prior

sentencing, and Milner said there was not “anything new.” RP 69. Macias also presented reports from two other psychologists who had evaluated Macias, including the doctor from the first sentencing. CP 32-166.

The State presented a report and statements of Dr. Julia McLawsen, who did not find any evidence that Macias was mentally ill at the time he killed Esparza, but could not say for certain beyond her opinion that Macias’s reports of mental illness were “improbable and unlikely to reflect actual mental illness.” CP 258-312. McLawsen’s testing led her to believe that Macias was likely malingering, i.e., misrepresenting, exaggerating, or distorting his mental-illness symptoms. CP 263, 265-68, 272.

Prior to imposing sentence, the resentencing court said it had considered the testimony of Milner, the probable-cause certification, the prosecutor’s summary, the information, the briefing provided by the parties, all the supporting materials provided by both parties, a victim statement from Esparza’s

grandfather, the Court of Appeals' opinion from Macias's prior appeal, and the court's own notes from the prior sentencing.

RP 111. The resentencing court noted that while Macias presented witnesses who suggested that Macias was "acting in a kind of fight-or-flight situation... Not only was that not persuasive to the jury, it's not persuasive to the court here for sentencing." RP 111-13.

The court again declined to impose an exceptional sentence below the standard range. RP 111-14. The court again sentenced Macias to a total of 300 months on the murder including the 60-month deadly weapon enhancement. CP 467, 469; RP 112-13. This sentence was 14 months lower than the high end of the corrected standard range for second-degree murder. CP 467.

Macias appealed the sentence imposed in the resentencing. CP 478. In an unpublished opinion, the Court of Appeals held that the trial court did not abuse its discretion by rejecting Macias's motion for an exceptional sentence

downward and imposing a standard-range sentence. *Macias*, 2025 WL 1294182 at *4. The Court of Appeals also held that Macias's 2008 conviction was not constitutionally invalid on its face. *Id.* at *5.

Macias now seeks review of that opinion.

F. THIS COURT SHOULD DENY MACIAS'S PETITION FOR REVIEW BECAUSE HIS CASE NEITHER CONFLICTS WITH ANY SUPREME COURT DECISION NOR PRESENTS A SIGNIFICANT QUESTION OF LAW

Macias argues that this Court should accept review under RAP 13.4(b)(1) and (3), asserting that he presents significant questions of law under the Washington or federal constitutions and that the Court of Appeals decision conflicts with decisions of this Court. The Court of Appeals' opinion presents no such issues.

1. THE COURT OF APPEALS' HOLDING THAT THE RESENTENCING COURT DID NOT ABUSE ITS DISCRETION BY REJECTING MACIAS'S MOTION FOR AN EXCEPTIONAL SENTENCE DOWNWARD NEITHER CONFLICTS WITH THIS COURT'S DECISIONS NOR PRESENTS A SIGNIFICANT QUESTION OF LAW UNDER THE WASHINGTON CONSTITUTION.

Macias asks this Court to review the Court of Appeals' decision that the resentencing court did not abuse its discretion by denying Macias's request for an exceptional sentence downward on the basis of several statutory mitigating factors. Macias fails to establish that the Court of Appeals' holding conflicts with any decisions of this Court or presents a significant question of law under the Washington constitution. RAP 13.4(b)(1), (3).

The resentencing court made clear that it did not find the testimony and documentation presented by Macias to be compelling. RP 111-13. The Court of Appeals held that the resentencing court properly exercised its discretion when it considered Macias's evidence and concluded that an

exceptional sentence was not appropriate. *Macias*, 2025 WL 1294182 at *4. Macias’s petition for review seeks to relitigate the quality and quantity of the evidence he presented at resentencing and ignores the resentencing court’s express finding that the evidence was unpersuasive. Macias fails to explain how this decision presents a significant question of constitutional law or how it conflicts with any decision of this Court.

2. THE COURT OF APPEALS’ DETERMINATION THAT THE LAW-OF-THE-CASE DOCTRINE APPLIED TO THE QUESTION OF WHETHER MACIAS’S YOUTH AT THE TIME OF A 2008 CONVICTION WAS NOT A MITIGATING FACTOR FOR SENTENCING ON THE CURRENT OFFENSE NEITHER CONFLICTS WITH DECISIONS OF THIS COURT, NOR PRESENTS A SIGNIFICANT CONSTITUTIONAL QUESTION.

The Court of Appeals, in the first appeal, decided that Macias’s youth at the time of a 2008 conviction was not a mitigating factor as to his current convictions in Macias’s first appeal. *Macias*, 2021 WL 6111686 at *4. This Court denied

review of that opinion. Still, Macias raised the issue again in his appeal from resentencing, and the Court of Appeals declined to consider the issue again, finding that it fell under the law-of-the-case doctrine. *Macias*, 2025 WL 1294182 at *4. An appellate court will generally refuse to consider issues that were decided in a prior appeal. *Folsom v. County of Spokane*, 111 Wn.2d 256, 263-64, 759 P.2d 1196 (1988). Macias makes no attempt to explain why the Court of Appeals' decision not to review the issue conflicts with decisions of this court or presents a significant issue under constitutional law. It does not. The Court of Appeals' decision not to review the issue again is consistent with existing law.

Moreover, as noted above, Macias previously petitioned for review on this very issue, and this Court denied review. *See* Petition for Review, *State v. Macias*, 100593-8 at 14; *review denied*, 199 Wn.2d 1014, 508 P.3d 675 (2022). Macias's current petition relies on the same authority as before, namely *State v. Houston-Sconiers*, 188 Wn.2d 1, 391 P.3d 409 (2017),

State v. O'Dell, 183 Wn.2d 680, 358 P.3d 539 (2015), *In re Pers. Restraint of Monschke*, 197 Wn.2d 605, 482 P.3d 276 (2021), and *State v. Moretti*, 193 Wn.2d 809, 446 P.3d 609 (2019). *See* Petition for Review, 104263-9 at 18, 23. Macias has not shown any compelling reason that his arguments are worthy of review now when they were not three years ago. Nothing has changed. The Court should again deny review.

3. THE COURT OF APPEALS' HOLDING THAT MACIAS'S 2008 CONVICTION WAS NOT CONSTITUTIONALLY INVALID ON ITS FACE NEITHER CONFLICTS WITH THIS COURT'S DECISIONS NOR PRESENTS A SIGNIFICANT QUESTION OF LAW UNDER THE WASHINGTON OR FEDERAL CONSTITUTIONS.

A conviction is constitutionally invalid on its face if, without further elaboration, it evidences infirmities of a constitutional magnitude. *State v. Ammons*, 105 Wn.2d 175, 188, 713 P.2d 719, 718 P.2d 796 (1986). Here, the Court of Appeals held that Macias failed to show his 2008 conviction was constitutionally invalid on its face. *Macias*, 86055-1, 2025

WL 1294182 at 5. This decision is consistent with *State v. Inocencio*, which held that prior convictions, committed while Inocencio was a juvenile but entered by an adult court, were properly included in his offender score for a subsequent conviction without the State having to prove the prior sentencing court's jurisdiction. 187 Wn. App. 765, 767, 351 P.3d 183 (2015). The Court of Appeals opinion here does not conflict with *Ammons*, 105 Wn.2d 175, nor, as analyzed in detail by the Court of Appeals, does it conflict with *State v. Saenz*, 175 Wn.2d 167, 283 P.3d 1094 (2012), or *State v. Knippling*, 166 Wn.2d 93, 206 P.3d 332 (2009). *Macias*, 86055-1, 2025 WL 1294182 at 4-5.

Macias's 2008 conviction was not invalid on its face. This Court should deny Macias's petition for review because he does not present a significant question of law under the Washington Constitution and the Court of Appeals decision does not conflict with decisions from this Court.

G. CONCLUSION


For the foregoing reasons, Macias's petition for review should be denied.

This document contains 2,379 words, excluding the parts of the document exempted from the word count by RAP 18.17.

DATED this 3rd day of July, 2025.

Respectfully submitted,

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