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Supreme Court No. \_\_\_\_\_  
Court of Appeals No. 86680-0-I Case #: 1044518

THE WASHINGTON SUPREME COURT

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STATE OF WASHINGTON,

Respondent,

v.

ANTONIO AARON,

Petitioner.

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PETITION FOR REVIEW

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## **A. IDENTITY OF PETITIONER AND COURT OF APPEALS DECISION**

Antonio Aaron, the petitioner, asks this Court to grant review of the Court of Appeals' decision terminating review.

The Court of Appeals, in an unpublished opinion, affirmed the trial court's denial of Mr. Aaron's request for a mental health sentencing alternative. At the prosecutor's invitation, the court denied it based on a supposed lack of a nexus between Mr. Aaron's mental health condition and the offense.

But the mental health sentencing alternative statute does not require a nexus. And using a lack of a nexus to deny this sentencing alternative conflicts with the statute, making it an improper reason for denial.

The decision in this case follows a recent published decision on the topic: *State v. Colon*, \_\_ Wn. App. 2d \_\_, 567 P.3d 661 (2025) (pet. for rev. filed 5/30/25; set on 10/7/25 motion calendar).

The holding that permits sentencing courts to deny mental health sentencing alternatives due to a supposed lack of connection between the mental health diagnosis and the crime will inevitably result in many people with mental health diagnoses not receiving proper treatment in their community and going to prison instead. This is to our detriment and not what the legislature intended. This Court should grant review on this important issue of substantial public interest.

**B. ISSUES FOR WHICH REVIEW SHOULD BE GRANTED**

1. Whether a trial court may deny a request for a mental health sentencing alternative based on a lack of a nexus between the defendant's mental illness and the offense where eligibility turns on diagnosis of a serious mental illness at the time of sentencing and the legislature did not include a "nexus" requirement in the statute?

2. Mental illness affects a person's behavior. Mr. Aaron was diagnosed with Major Depressive Disorder, Generalized

Anxiety Disorder, and Post-Traumatic Stress Disorder (“PTSD”). His PTSD stems from childhood trauma and physical abuse. Mr. Aaron’s mental health struggles are connected to his criminal conduct. If a lack of a nexus is an appropriate consideration, did the trial court err in denying the mental health sentencing alternative on the false grounds that there was no nexus between Mr. Aaron’s mental health and his criminal conduct?

### **C. STATEMENT OF THE CASE**

In late 2021, Antonio Aaron robbed several businesses of cash by pretending to have a gun in his pocket and threatening to use it. CP 25, 30-50.

Based on this conduct, the prosecution charged Mr. Aaron with several counts of robbery. CP 8-9.

Mr. Aaron agreed to plead guilty to one count of second degree robbery. CP 10-27, 59. As part of the plea, Mr. Aaron would recommend the trial court grant a mental health sentencing alternative. CP 59; RP 19.

At the plea hearing, Mr. Aaron appeared remotely because he was bedbound due to a spinal condition. RP 6. The court accepted Mr. Aaron's guilty plea. RP 29-30.

At the time of sentencing, Mr. Aaron was "a sixty-one-year-old African American man facing one of two sentences: end of-life confinement or life-preserving physical and mental health treatment." CP 62. Since late 2021, Mr. Aaron could not move the left side of his body, was wheelchair-bound, and could not change his clothes without help. CP 63.

Mr. Aaron endured significant physical and mental health problems. CP 63-65. In late 2023, Mr. Aaron received hip surgery. CP 65. Unfortunately, he will not walk again and requires regular physical therapy to perform basic self-care needs. CP 65.

Beyond his physical ailments, Mr. Aaron tragically lost two of his sons: one was killed by a hit-and-run driver. CP 64; RP 46-47.



Before all of this, Mr. Aaron grappled with mental illness. CP 65-67. As a child, Mr. Aaron was physically abused and no adult figure intervened to stop the abuse. CP 64-65. Mental health professionals diagnosed Mr. Aaron with Major Depressive Disorder, Generalized Anxiety Disorder, and Post-Traumatic Stress Disorder. CP 65-67.

Before sentencing, Mr. Aaron provided the court a report and “very complete briefing” recommending the court sentence him to a term of community custody between 12 and 36 months under the mental health sentencing alternative. CP 61-74; RP 48; RCW 9.94A.695(4). Otherwise, Mr. Aaron faced a standard range sentence of 63 to 84 months’ confinement, a prison sentence that he would likely not survive given his condition. CP 61, 65.

Still, the prosecution requested the court impose a standard range sentence of 73.5 months. RP 41. The prosecution explained it did not recommend the mental health

sentencing alternative because “the State did not see the nexus in the mental health diagnosis and the conduct.” RP 42.

Defense counsel explained Mr. Aaron’s conduct was directly linked to his depression and untreated mental illness, later diagnosed. RP 43.

Mr. Aaron personally addressed the court. RP 46-48. Mr. Aaron apologized for his actions. RP 47. He asked for the chance to continue with his treatment in the community. RP 47.

The court denied Mr. Aaron’s request for a mental health sentencing alternative. RP 49. The court reasoned there was not a “nexus” between Mr. Aaron’s condition and the criminal conduct:

But ultimately, Mr. Aaron, I -- I just -- I don’t see the nexus between your condition and the -- the crimes that were committed. And so for that reason, it’s not clear to me that mental health treatment would frankly address that. It -- it would be salutary. It would be helpful for you generally, but I don’t honestly see the connection.

RP 49.

Defense counsel argued the mental health sentencing alternative did not require “a finding that there is a nexus.” RP 49. The trial court agreed, but maintained its ruling, stating only, “I felt like I had to examine that issue in order to explain my ruling.” RP 50.

The court imposed the prosecution’s recommended sentence of 73.5 months confinement and 18 months’ community custody. RP 49-50; CP 89-90.

Mr. Aaron argued on appeal that denying a mental health sentencing alternative based on a supposed lack of a nexus between the mental condition and the offense is improper under the statute. And that regardless, there was a nexus between Mr. Aaron’s mental condition and the offense.

Still, the Court of Appeals held “[t]he trial court acted within its discretion when it denied Aaron’s [mental health sentencing alternative] request after considering whether his mental health conditions bore a connection to the offense.” Slip op. at 6. In other words, a lack of a nexus is a legally

permissible ground to deny a mental health sentencing alternative even though it is expressly not a prerequisite. Slip op. at 6-7.

In reaching this conclusion, the Court followed a recent published decision issued by Division Two on this topic: *State v. Colon*, \_\_ Wn. App. 2d \_\_, 567 P.3d 661 (2025) (pet. for rev. filed 5/30/25; set on 10/7/25 motion calendar).

In affirming the trial court, the Court of Appeals did not address Mr. Aaron's alternative argument that the facts showed a nexus. Slip op. at 1-7.

#### **D. ARGUMENT WHY REVIEW SHOULD BE GRANTED.**

**Review should be granted to decide whether it is permissible to deny a mental health sentencing alternative on the basis that there is no nexus between the mental condition and the crime.**

*1. The mental health sentencing alternative requires that a person be diagnosed with a serious mental illness at the time of sentencing. No nexus between the defendant's condition and the crime is required.*

“Mental health is the component of behavioral health that includes our emotional, psychological, and social well-being. Mental health is a state of well-being that enables us to cope with the stresses of life, realize our abilities, learn well and work well, and contribute to our community.”<sup>1</sup> “A mental health condition is an illness or disorder that affects your thinking, feeling, behavior, or mood.”<sup>2</sup> In other words, mental health impacts every aspect of a person's life.

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<sup>1</sup> <https://www.cdc.gov/mental-health/about/index.html> (internal citations omitted).

<sup>2</sup> *Id.*

In 2021, the legislature enacted and the governor signed into law an act creating a “mental health sentencing alternative.” Laws of 2021, ch. 242, § 1.

Under this alternative, the court waives imposition of a sentence within the standard range and imposes a sentence consisting of community custody, during which the person receives treatment. RCW 9.94A.695(4), (8)(b).<sup>3</sup> The term of community custody is between 12 and 24 months or 12 and 36 months, depending on the midpoint of the defendant’s standard range. RCW 9.94A.695(4).

A person is eligible for the mental health sentencing alternative if four requirements are met:

- (a) The defendant is convicted of a felony that is not a serious violent offense or sex offense;
- (b) The defendant is diagnosed with a serious mental illness recognized by the diagnostic manual

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<sup>3</sup> After sentencing in this case, RCW 9.94A.695 was amended. Laws of 2024, ch. 373, § 1. No substantive changes were made affecting the provisions at issue in this case so citations are to the current statute.

in use by mental health professionals at the time of sentencing;

(c) The defendant and the community would benefit from supervision and treatment, as determined by the judge; and

(d) The defendant is willing to participate in the sentencing alternative.

RCW 9.94A.695(1).

The statute instructs that once eligibility is determined, the court must (1) consider if the defendant and the community will benefit from the sentencing alternative; (2) consider the victim's opinion on this sentencing alternative, and (3) determine if this alternative is "appropriate":

After consideration of all available information and determining whether the defendant is eligible, *the court shall consider whether the defendant and the community will benefit from the use of this sentencing alternative. The court shall consider the victim's opinion whether the defendant should receive a sentence under this section. If the sentencing court determines that a sentence under this section is appropriate*, the court shall waive imposition of the sentence within the standard range. The court shall impose a term of community custody between 12 and 24 months if the midpoint of the defendant's standard range sentence is less

than or equal to 36 months, and a term of community custody between 12 months and 36 months if the midpoint of the defendant's standard range sentence is longer than 36 months. The actual length of community custody within these ranges shall be at the discretion of the court.

RCW 9.94A.695(4) (emphasis added).

*2. The trial court denied a mental health sentencing alternative on the improper reason that there was no nexus between Mr. Aaron's mental health diagnoses and the criminal conduct.*

The sentencing court denied Mr. Aaron's request for a mental health sentencing alternative on the grounds that there was no nexus between Mr. Aaron's mental health and his crime. RP 49-50. This was both legally and factually unsound, requiring remand for a new sentencing hearing.

“[A]n offender may always challenge the procedure by which a sentence was imposed.” *State v. Grayson*, 154 Wn.2d 333, 338, 111 P.3d 1183 (2005). A trial court's failure to follow the proper procedure and meaningfully consider a request for an alternative sentence is an abuse of discretion. *Id.* at 342; *State v. McFarland*, 189 Wn.2d 47, 56, 399 P.3d 1106 (2017).



Relatedly, if a trial court's ruling is based on an erroneous view of the law, the trial court has necessarily erred. *State v. Quismundo*, 164 Wn.2d 499, 504, 192 P.3d 342 (2008); *State v. Mohamed*, 187 Wn. App. 630, 641, 350 P.3d 671 (2015).

To determine whether the trial court meaningfully considered Mr. Aaron's request requires interpretation of the mental health sentencing alternative statute. The meaning of a statute is an issue of law reviewed de novo. *State v. Yancey*, 193 Wn.2d 26, 30, 434 P.3d 518 (2019).

In interpreting a statute, the Court uses the plain meaning rule. *Id.* Plain meaning is determined based on "the ordinary meaning of the language at issue, the context of the statute in which that provision is found, related provisions, and the statutory scheme as a whole." *Id.* (cleaned up). Plain meaning interpretation does not add words that the legislature chose not to include. *Id.*

The mental health alternative statute has four requirements for eligibility. RCW 9.94A.695(1). This statute

“contains no requirement of any connection between the defendant’s mental illness and the crime.” Mental health sentencing alternative—Practical considerations, 13B Wash. Prac., Criminal Law § 45:13.20 (3d ed. 2023). This makes sense because a requirement of the statute is that the person has a serious mental illness diagnosis “[a]t the time of sentencing,” not at the time of the offense. RCW 9.94A.695(1)(b).

Once the court determines eligibility, it must focus on “whether the defendant and the community will benefit from the use of this sentencing alternative.” RCW 9.94A.695(4). The court must also consider the opinion of a victim on the issue. RCW 9.94A.695(4). If the court then determines the sentence alternative “is appropriate,” it must grant the alternative. RCW 9.94A.695(4).

Here, at the prosecution’s invitation, the court decided to deny the mental health sentencing alternative because it did not “see the nexus between [Mr. Aaron’s] condition and the - - the crimes that were committed.” RP 49. In the court’s view, a

mental health sentencing alternative was only appropriate if the “mental health treatment” would address the cause of the behavior. RP 49. And the court did not “see the connection.” RP 49.

The trial court read a nexus requirement into the statute that the legislature chose not to include. This was error. *Yancey*, 193 Wn.2d at 32.

Despite its ruling, the trial court acknowledged that a lack of a nexus between the mental illness and the crime did not necessarily rule out the alternative. RP 49-50. Even so, the court cited the lack of a nexus as the reason for denial. RP 49-50.

A lack of a nexus between mental illness and the crime is an inappropriate basis to deny a mental health sentencing alternative because it conflicts with the statute. The statute focuses on mental illness *at the time of sentencing* and tasks judges with deciding whether the alternative will benefit the

defendant and the community. This does not call on the court to consider whether the mental illness is connected to the crime.

This statutory framework necessarily rejects a lack of nexus as a reason to deny a mental health sentencing alternative. To illustrate, under the Sentencing Reform Act a factor cannot support an exceptional sentence if the legislature necessarily considered that factor when it established the standard range. *State v. Thomason*, 199 Wn.2d 780, 789, 512 P.3d 882 (2022). For example, the robbery statute shows the legislature considered degree of force used in a robbery to be irrelevant. *Id.* at 791-92. Consequently, that a “de minimis amount of force” was used in the robbery is not a basis for an exceptional sentence because it would be contrary to the statutory scheme. *Id.* at 792.

In short, the trial court cannot deny a mental health sentencing alternative on a ground that conflicts with the statute. For example, a trial court could not deny a mental health sentencing alternative on the ground that treatment is

ineffectual or pointless and that long prison sentences *always* benefit the community. This would conflict with the very notion, embedded in the mental health sentencing alternative, that mental health treatment and a term of community custody may benefit the person and the community.

The same is true for a judicially invented nexus consideration. It conflicts with the statute's underlying assumption that a mental health sentencing alternative may be appropriate if it exists *at the time of sentencing*, even for people whose serious mental illness was developed *after* the offense. See RCW 9.94A.695(1), (4).

Consequently, the trial court abused its discretion in denying the mental health sentencing alternative. *See State ex rel. Carroll v. Junker*, 79 Wn.2d 12, 26, 482 P.2d 775 (1971) (order was an abuse of discretion because it was “unsupported by adequate reasons or tenable grounds of sufficient weight or merit”).

*3. The Court of Appeals' interpretation of the statute is contradictory to the statute's express language conditioning eligibility on the existence of a mental health condition at the time of sentencing. Review is necessary so that trial courts do not improperly deny people and their communities the benefits of mental health sentencing alternatives.*

The Court's decision in this case was based on *State v. Colon*, \_\_ Wn. App. 2d \_\_, 567 P.3d 661 (2025) (pet. for rev. filed 5/30/25; set on 10/7/25 motion calendar). Slip op. at 6. There, the Court of Appeals held it is proper to consider the lack of a nexus between the mental health condition and the offense "as a way of determining whether there would be a benefit to the community, a permissible consideration under RCW 9.94A.695." 567 P.3d at 667.

This makes little sense. By making eligibility turn on the existence of a mental condition at the time of sentencing, the legislature rejected a nexus requirement. And for good reason, it may be very difficult for a defendant to show a causal connection between their mental health condition and the

offense. A criminal act is not a controlled scientific study on a person's mental health.

Moreover, that there is no connection does not mean that there would be no benefit to the community from treatment rather than incarceration.

In short, the Court of Appeals' interpretation turns the statute on its head and improperly adds words to the statute that the legislature chose not to include. *Yancey*, 193 Wn.2d at 30.

In Mr. Aaron's case, the notion that the trial court was really considering whether treatment would benefit the defendant and the community is fiction. On the eligibility requirement that "[t]he defendant and the community would benefit from supervision and treatment, as determined by the judge," the prosecution did *not* argue this requirement was *not* met. RCW 9.94A.695(1)(c). Rather, the prosecution explained that despite eligibility, it did not join in Mr. Aaron's request because it "did not see the nexus in the mental health diagnosis and the conduct." RP 42. The court went along with the

prosecutor's argument. RP 49-50. It did not state that it was concluding that the community and Mr. Aaron would not benefit from the sentencing alternative.

In *Colon*, “the sentencing court gave other reasons supporting its determination that a [mental health sentencing alternative] would benefit neither Colon nor the community.” Slip op. at 6. These reasons included “the victim’s opinion, Colon’s criminal history, Colon’s noncompliance with community custody, and Colon’s participation in treatment and services.” *Id.*

Here, the sentencing court gave no other reason except for the supposed lack of a nexus. Unlike *Colon*, there was no opinion by a victim opposing the sentence.

What all this illustrates is that the magic words of “no nexus” will be used to deny mental health sentencing alternatives even where the court does not actually address whether the alternative will benefit the community.



Review of this issue is warranted as a matter of substantial public interest. RAP 13.4(b)(4). The Court of Appeals' mode of statutory interpretation also conflicts with precedent, further meriting review. RAP 13.4(b)(1), (2).

Additionally, the Court should grant review in this case on the related issue of whether the record supported the trial court's determination that there was no nexus between Mr. Aaron's serious mental health condition and the offense.

Even if the non-existence of a nexus between a person's mental health and the offense were an appropriate consideration in the exercise of discretion, here the trial court's determination is based on factually untenable grounds. This is because the record shows a nexus.

Mr. Aaron's mental illnesses did not spring into existence after his offenses. His PTSD is the result of childhood abuse and trauma. CP 64-67. His mental health diagnoses went untreated for many years and, as defense counsel explained, was linked to Mr. Aaron's criminal conduct. RP 43; CP 64-67.

To conclude there was no connection between Mr. Aaron's mental health and his conduct is an untenable or manifestly unreasonable determination.

Still, the Court of Appeals failed to address Mr. Aaron's argument on this point. Br. of App. at 2, 19-21; Reply Br. at 9; Slip op. 1-7. This was error. RAP 10.3(a)(4), (6); RAP 12.1(a). This Court should grant review on this related issue. RAP 13.4(b)(1), (2), (4); RAP 1.2(a).

#### **E. CONCLUSION**

For the foregoing reasons, this Court should grant Mr. Aaron's petition for review.

This document contains 3,386 words and complies with RAP 18.17.

Respectfully submitted this 8th day of August, 2025.



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# Appendix

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

ANTONIO DONJUAN AARON,

Appellant.

No. 86680-0-I

DIVISION ONE

UNPUBLISHED OPINION

HAZELRIGG, C.J. — Antonio Donjuan Aaron appeals the standard range sentence imposed after he was convicted for one count of robbery in the second degree. Aaron contends the trial court erred when it denied his request to impose a Mental Health Sentencing Alternative. Because the trial court acted within its discretion, we affirm.

FACTS

In 2021, the State charged Antonio Aaron with one count of robbery in the second degree. The State later amended the information to include one count of robbery in the first degree and two additional counts of robbery in the second degree. The charges stemmed from a string of incidents that occurred in October 2021, during which Aaron pretended to have a firearm hidden in his pocket and threatened to use it while robbing multiple businesses of cash.

Aaron ultimately entered a guilty plea to a single count of robbery in the second degree. The trial court calculated his offender score as 34, resulting in a standard sentencing range of 63 to 84 months.

At sentencing, Aaron requested the court impose a community custody term of 12 to 36 months under the Mental Health Sentencing Alternative (MHSA). He submitted a presentence report and a letter from Evergreen Health outlining his diagnoses, which included major depressive disorder, generalized anxiety disorder, and post-traumatic stress disorder. In addition to his mental health conditions, Aaron demonstrated significant physical limitations. He has been unable to move the left side of his body since late 2021, relies on a wheelchair, and cannot dress himself without assistance. He also underwent hip surgery, after which a care provider opined that he will never walk again, and now depends on regular physical therapy to meet his basic self-care needs.

The State recommended a sentence of 73.5 months in prison, the midpoint of Aaron's sentencing range. The court denied the MHSA request and sentenced Aaron to 73.5 months of confinement, followed by 18 months of community custody.

Aaron timely appealed.

#### ANALYSIS

Aaron avers that the trial court failed to meaningfully consider his MHSA request and denied it based on both a misreading of the law and a factually unsupported conclusion. We disagree.

“An appellate court will reverse a sentencing court’s decision only if it finds a clear abuse of discretion or misapplication of the law.” *State v. Blair*, 191 Wn.2d 155, 159, 421 P.3d 937 (2018) (quoting *State v. Porter*, 133 Wn.2d 177, 181, 942 P.2d 974 (1997)). “A trial court abuses its discretion when its decision is manifestly unreasonable or based on untenable grounds; this standard is also violated when a trial court makes a reasonable decision but applies the wrong legal standard or bases its ruling on an erroneous view of the law.” *State v. Corona*, 164 Wn. App. 76, 78-79, 261 P.3d 680 (2011).

“Trial courts must generally impose sentences within the standard range.” *State v. Osman*, 157 Wn.2d 474, 480, 139 P.3d 334 (2006). Under RCW 9.94A.585(1), a defendant may not appeal a standard-range sentence. However, this bar does not preclude appellate review of the legal determinations underlying the trial court’s sentencing decision. *State v. McFarland*, 189 Wn.2d 47, 56, 399 P.3d 1106 (2017); see also *State v. Grayson*, 154 Wn.2d 333, 338, 111 P.3d 1183 (2005) (“[A]n offender may always challenge the procedure by which a sentence was imposed.”).

RCW 9.94A.695 establishes a discretionary sentencing alternative for individuals convicted of felonies who are also diagnosed with certain serious mental health conditions. Under the statute, the trial court may impose an MHSA if the defendant meets four conditions:

- (a) The defendant is convicted of a felony that is not a serious violent offense or sex offense;
- (b) The defendant is diagnosed with a serious mental illness recognized by the diagnostic manual in use by mental health professionals at the time of sentencing;

(c) The defendant and the community would benefit from supervision and treatment, as determined by the judge; and

(d) The defendant is willing to participate in the sentencing alternative.

RCW 9.94A.695(1).<sup>1</sup> The trial court maintains broad discretion to grant or deny a sentencing alternative, so long as it does not act on an impermissible basis. See *State v. Sims*, 171 Wn.2d 436, 445, 256 P.3d 285 (2011). RCW 9.94A.695(4) expressly requires the following:

After consideration of all available information and determining whether the defendant is eligible, the court shall consider whether the defendant and the community will benefit from the use of this sentencing alternative. The court shall consider the victim's opinion whether the defendant should receive a sentence under this section. If the sentencing court determines that a sentence under this section is appropriate, the court shall waive imposition of the sentence within the standard range.

The statute does not require any nexus between the crime and the defendant's mental health diagnosis. RCW 9.94A.695(1). "There is a lack of authority on the MHSA 'benefit to the community' factor." *State v. Colon*, 34 Wn. App. \_\_\_, 567 P.3d 661, 665 (2025).

When considering a request for a discretionary sentence, a trial court must meaningfully engage with the motion under the correct legal framework. *Grayson*, 154 Wn.2d at 342. A trial court errs if "it refuses categorically to impose an exceptional sentence below the standard range under any circumstances" or operates under the false belief that it lacks discretion. *State v. Garcia-Martinez*, 88 Wn. App. 322, 330, 944 P.2d 1104 (1997).

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<sup>1</sup> RCW 9.94A.695 was amended in 2024. LAWS OF 2024, ch. 373 § 1. No substantive changes were made that affect this opinion; therefore, we cite to the current version of the statute.

Here, when declining to sentence Aaron to a MHSA, the sentencing court explained,

[I]n considering to exercise my discretion as to whether or not to give you a standard-range sentence or an alternative sentence, I considered the—[defense counsel]’s submission. I read the certification.

This was originally four counts, one count of robbery in the first degree and three counts of robbery in the second degree. And—and—and it—it is the case that Mr. Aaron apparently had a—a fake gun or no gun, faked a gun. Never—the bank teller said they never saw a gun. But it—you know, I think everyone here agrees that you can’t diminish how terrifying that is for people who are working at their various places of work.

And, Mr. Aaron, you have spent a lot of your life in the Department of Corrections. That’s very apparent from the criminal history. And I’m sorry for the loss of your sons. I didn’t know about your second son, but it’s in the briefing about your first. But ultimately, Mr. Aaron, I—I just—I don’t see the nexus between your condition and the—the crimes that were committed.

And so for that reason, it’s not clear to me that mental health treatment would frankly address that. It—it would be salutary. It would be helpful for you generally, but I don’t honestly see the connection.

Aaron contends that the last statement reflects a refusal to exercise discretion and an improper interpretation of the law. He claims that the absence of a connection between his mental illness and the crime cannot justify denial of the MHSA. He argues that the statute focuses on present diagnoses and whether treatment would benefit both parties, not on causation.

Division Two of this court recently addressed this issue in *State v. Colon*, where the defendant also challenged the denial of an MHSA based on the trial court’s consideration of a nexus between the mental health condition and the crime(s) of conviction. 567 P.3d at 663. The panel rejected the claim and held that although such a nexus is not a requirement, a sentencing judge may properly



consider whether such a connection exists when evaluating whether supervision and treatment would benefit the community. *Id.* at 665.

The reasoning in *Colon* applies here. The trial court acted within its discretion when it denied Aaron's MHSa request after considering whether his mental health conditions bore a connection to the offense. The court's inquiry considered the statutory requirement that the "defendant and the community will benefit from supervision and treatment." RCW 9.94A.695(1)(c). The statute grants sentencing courts broad authority to evaluate what constitutes a "benefit" to the community in a given case. Assessing whether Aaron's mental illness contributed to the offense was a permissible way to determine whether supervised treatment would meaningfully reduce recidivism or otherwise advance public safety.

The trial court did not misinterpret the statute or apply an unwarranted requirement. It did not categorically refuse to consider the MHSa or conclude that it lacked discretion to impose it. To the contrary, the record shows that the court reviewed the sentencing briefs submitted by both parties, acknowledged the legal standard, and weighed Aaron's request in light of his criminal history, his medical and psychological records, and the facts of the case.

In *Colon*, the court emphasized that "[g]ranting an alternative sentence is entirely within the sentencing court's discretion, so long as the court does not abuse its discretion by categorically refusing to consider the request or by denying the request on an impermissible basis." 567 P.3d at 664. That principle similarly governs here. Nothing in the record suggests that the trial court misunderstood its authority or relied on a legally impermissible ground when it denied the defense

request for a sentencing alternative. Given the information before it, including Aaron's extensive criminal history and the nature of the offenses, the court's decision to deny the sentencing alternative and impose a standard-range sentence falls well within the bounds of its discretion.

Affirmed.



WE CONCUR:



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