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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 73359-1-I
Respondent,)	
)	DIVISION ONE
v.)	
)	
ZULAIN ILEANA ANGELL,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: August 1, 2016
_____)	

BECKER, J. — Zulain Angell challenges the six-month standard range sentence imposed after a jury found her guilty of second degree assault and attempting to elude a pursuing police vehicle. Angell requested an exceptional sentence downward, claiming that she committed the crimes under duress “insufficient to constitute a complete defense but which significantly affected her conduct.” Angell claims the sentencing court erroneously believed it lacked authority to consider her request for an exceptional sentence.

When a court has considered the facts and concluded there is no factual basis for an exceptional sentence, it has exercised its discretion, and the defendant cannot appeal that ruling. State v. McGill, 112 Wn. App. 95, 100, 47 P.3d 173 (2002).

Here, the court was aware of its authority to consider and impose an exceptional sentence, but concluded an exceptional sentence was not warranted.

No. 73359-1-I/2

"I don't believe the totality of the circumstances nor the idea of duress fit the facts in this case." Angell's sentence is not appealable.

Appeal dismissed.

WE CONCUR:

Trickey, AJ

Bedker, J.

Dyer, J.