

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

July 13, 2021

DIVISION II

In the Matter of the Personal Restraint of:

CRISTOBAL IVAN ARROYO,

Petitioner.

No. 54540-3-II

UNPUBLISHED OPINION

SUTTON, J.— Cristobal Arroyo seeks relief from his plea of guilty to first degree murder while armed with a deadly weapon, crimes he committed when he was 14 years old. He received a standard range sentence. Arroyo seeks to be resentenced with the trial court considering his youth at the time of the crimes as a mitigating factor and considering a sentence below the standard range. He and the State jointly move to remand the judgment and sentence to the trial court and stipulate to a procedure regarding resentencing.

Arroyo will appear before the trial court and either recommit to the plea of guilty or decide not to plead guilty. If the latter, the plea agreement is terminated. If the former, he will be resentenced with the trial court considering the factors outlined in *Miller v. Alabama*, 567 U.S. 460, 132 S. Ct. 2455, 182 L. Ed. 2d 407 (2012), and acknowledging it has the authority to impose a sentence below the standard range, as low as zero months of incarceration. The State will review and consider a mitigation package before resentencing. The State also reserves the right to appeal from a sentence below the standard range. Accordingly, we remand Arroyo’s judgment and sentence to the trial court to follow the procedure set forth in the parties’ stipulation. Arroyo’s petition is otherwise dismissed.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.


SUTTON, J.

We concur:


WORSWICK, P.J.


CRUSER, J.